

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10735 of 2024

Arising Out of PS. Case No.-740 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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1. Dharmendra Sahani Son of Harilal Sahani R/o vill - Gorighawa, P.S. - Sugauli, Distt. - East Champaran
 2. Nawal Kishore Sahani Son of Harilal Sahani R/o vill - Gorighawa, P.S. - Sugauli, Distt. - East Champaran
 3. Amirilal Sahani Son of Hiralal Sahani R/o vill - Mahuwa, P.S. - Sugauli, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bettiah Town P.S. Case No. 740 of 2020 for the offence registered under section 379 of the Indian Penal Code lodged on 19.11.2020 by the informant, Mohit Mishra.

3. As per the prosecution story, the informant alleged that he had parked his motorcycle near the State Bank of India, Bettiah branch thereafter the same was stolen. He alleged that another motorcycle was stolen from the V-Mart by unknown persons. Accordingly, the FIR.

4. The police investigated the matter and the motorcycle was recovered from the house of petitioner nos. 1



and 2 namely, Dharmendra Sahani and Nawal Kishore Sahani respectively. The name of the petitioner no. 3 has come up in the confessional statement.

5. Considering the fact that the recovery is from the house of the petitioner nos. 1 and 2, it would be appropriate that they seek bail, the anticipatory bail application of petitioner nos. 1 and 2 namely, Dharmendra Sahani and Nawal Kishore Sahani respectively stand rejected.

6. So far as the petitioner no. 3, Amirilal Sahani is concerned, his name has come in the confessional statement, there is no recovery from his part though he has criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner no. 3, Amirilal Sahani in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 740 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner no. 3, Amirilal Sahani, who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 3, Amirilal Sahani shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner no. 3, Amirilal Sahani shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner no. 3, Amirilal Sahani shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no. 3, Amirilal Sahani shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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