

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7898 of 2024

Arising Out of PS. Case No.-238 Year-2023 Thana- KALUAHI District- Madhubani

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Santosh Sahani S/o Shambhu Sahani R/o Vill - Majrahi, Khirkhira Tol, P.S. -
Kaluahi, Dist. - Madhubani Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav,
Mr. Ravi Prakash, Advocates.
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Kaluahi PS Case No. 238/2023 registered on 18.11.2023 for the offences under Sections 394, 412 of the IPC.

3. As per prosecution case, four miscreants waylaid the informant of mobile phone and other articles after intercepting his motorcycle. One of the accused persons was apprehended who disclosed the name of this petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and nothing incriminating has been recovered from his possession. The petitioner runs a tea stall and has nothing to do with the alleged occurrence. The co-accused brother of the petitioner, Ramprit Sahani was apprehended and it is not believable that he would name his brother as accused. The confession was forcibly



obtained from the accused. Except for the confessional statement, there is nothing against the petitioner who is having criminal antecedent of one case under Bihar Prohibition and Excise Act.

5. Learned APP opposes the submissions made on behalf of the petitioner and submits that the petitioner is member of gang of robbers who looted the informant.

6. Having regard to the facts and circumstances and the submissions made on behalf of the parties and considering the lack of material against the petitioner and further considering the possibility of false implication, let the petitioner, named above, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Madhubani in connection with Kaluahi PS Case No. 238/2023, subject to the condition as laid down under Section 438(2) of the CrPC.

(Arun Kumar Jha, J)

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