

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11545 of 2024

Arising Out of PS. Case No.-257 Year-2022 Thana- PIPRAKOTHI District- East Champaran

SANDEEP KUMAR @ DEBALIYAS Son of Krishna Sahani @ Bam Sahani
@ Krishna Sahni Resident of Village-Bhatahan, P.S.-Mufassil, District-East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Asif Kalim, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Piprakothi P.S. Case No. 257/2022 lodged on 13.09.2022 under
Section 392 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against three unknown accused persons with an
allegation of committing robbery of Rs.50,730/- along with the
mobile phone of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. In fact, the
petitioner is not named in the FIR rather his name has surfaced
in this case merely on the basis of suspicion. Neither any



incriminating article has been recovered from the conscious physical possession of the petitioner nor he has been put on the Test Identification Parade. The name of the petitioner has been inserted in the present case only due to the reason that his criminal antecedent is not clean as he is accused in two more criminal cases, but in both cases, he has been granted bail. The petitioner is in custody since 20.09.2023 and the offences in which the present FIR has been registered is triable by a magistrate.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the antecedent of the petitioner is not clean.

6. Upon specific query from the counsel for the petitioner whether the charge has been framed or not, the learned counsel for the petitioner submits that he is not aware of the fact whether the charge has been framed or not.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Sadar East



Champaran, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(v) the petitioner 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.

8. The learned court below shall release the petitioner on bail only after framing of charge, if not framed as well as on being satisfied that the petitioner is not absconding in any of the



cases as mentioned in paragraph no.3 of the petition as under :-

- (i) Chatauni P.S. Case No. 20/2023
- (ii) Chatauni P.S. Case No. 302/2029

(Dr. Anshuman, J)

Ashwini/-

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