

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22907 of 2024

Arising Out of PS. Case No.-800 Year-2022 Thana- SONEPUR District- Saran

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Guddu Kumar Sahani @ Guddu Kumar Son Of Ramchandra Sahni Resident
Of Village- Bithauli, Ps- Bhagwanpur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Sonpur P.S. Case No.800 of 2022, lodged on 17.10.2022, under
Section 392 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
three unknown accused persons against whom there is allegation
that they have snatched motorcycle and cash of Rs.17,000/- at
gun point.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that name of the petitioner has figured in this case only at the
instance of police due to the reason that criminal antecedent of
the petitioner is not clean and there are two criminal cases



pending against him and in both the case he is on bail. Counsel submits that he is in custody since 07.11.2023. Nothing incriminating has been recovered nor he was put on Test Identification Parade. Counsel submits that photograph of the petitioner and other accused persons were shown by the I.O. to the informant who identified the person who had looted the motorcycle and cash amount. But counsel submits that Test Identification Parade has not been made as it transpires from the rejection order.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed, and on being satisfied that petitioner is not absconding in the following cases, i.e., (i) Goraul P.S. Case No.31 of 2022 and (ii) Goraul P.S. Case No.18 of 2023**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Sonapur P.S. Case No.800 of 2022, 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.

(Dr. Anshuman, J)

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