

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26494 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- DARBHANGA RAIL P.S. District-
Samastipur

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Sita Ram Sahni, aged about 24 years, Male, Son of Rajgir Sahni, Resident of
Village- Sara Mohanpur Ward No-6, P.S.- Sadar District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 16-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
G.R.P./DBG P.S. Case No. 03 of 2024 instituted for the offences
punishable under Sections 379 and 356 of the Indian Penal
Code.

3. As per the prosecution case, some unknown thief
has committed theft of bag from running train containing gold
Jhumka Bali, Mobile, cash of Rs. 56,000/- and other documents.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. The FIR is against



unknown. Petitioner is not named in the FIR and his name surfaced during the course of investigation. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 21.01.2024

5. Learned APP opposes the prayer for bail and submits that from the Veranda of the accused-petitioner stolen mobile has been recovered, so he does not deserve bail.

6. From perusal of the FIR and the impugned order dated 29.02.2024 passed by the learned Sessions Judge, Samastipur, it appears that the stolen mobile has been recovered from Veranda of petitioner. He further submits that the Veranda is joint property and recovery was not made from the conscious possession of the petitioner. He next submits that no Test Identification Parade has been conducted till date.

7. Considering the facts and circumstances of the case, as there is recovery of stolen mobile from the veranda of the house of the petitioner, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. Learned trial Court is directed to conclude the trial preferably within a period of four months from the date of



receipt of a copy of this order and if the trial is not concluded within the stipulated period then the petitioner shall renew his prayer for bail before the trial Court and the trial Court shall grant bail to the petitioner.

(Ramesh Chand Malviya, J)

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