

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31896 of 2024

Arising Out of PS. Case No.-34 Year-2022 Thana- MAHUA District- Vaishali

Arvind Sahni@ Arbind Sahni Son Of Shiv Shankar Sahni Resident Of
Village-Peyarepur, Ward No. 7, Ps- Baligaon, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Adv.

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mahua P.S. Case No. 34 of 2022, lodged on 17.01.2022 under
Section 392 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against three unknown accused persons against whom there is
an allegation to commit robbery.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the petitioner is not named in the FIR, rather,
his name has been inserted in this case only by virtue of the
confessional statement of the co-accused and subsequently on
the self confession also. Counsel further submits that he has



categorically stated in paragraph no.3 of the bail application that the petitioner has been arrested in one case and thereafter, he has been remanded in other cases and number of those cases are nine. The petitioner is in custody since 15.03.2022 in the present case.

5. Learned counsel for the petitioner submits that the charge-sheet has already been filed in this case. Counsel also submits that other co-accused persons have been granted bail by the Co-ordinate Bench of this Court as well as by this Court which is annexed as Annexure-P2 series. Counsel further submits that he has annexed the bail order of different accused persons, but inadvertently, one bail order bearing Cr. Misc. No.7606 of 2023 dated 01.05.2023 has also been attached which is not relating to the present case, rather, it is of another case. As such, he submits that the bail order annexed at page no.21 of the bail application may not be taken into consideration.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees



Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Vaishali at Hajipur in connection with Mahua P.S. Case No. 34 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the 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. However, the petitioner shall be granted bail only



on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

- ◆ N.H. Bangra P.S. Case No. 15 of 2022
- ◆ N.H. Bangra P.S. Case No. 138 of 2021
- ◆ Baligaon P.S. Case No. 142 of 2021
- ◆ Baligaon P.S. Case No. 16 of 2021
- ◆ Tajpur P.S. Case No. 19 of 2022
- ◆ Tajpur P.S. Case No. 54 of 2022
- ◆ Tajpur P.S. Case No. 44 of 2022
- ◆ Tajpur P.S. Case No. 24 of 2022
- ◆ Mushrigharai P.S. Case No. 10 of 2022

(Dr. Anshuman, J.)

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