

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34350 of 2024

Arising Out of PS. Case No.-716 Year-2019 Thana- NAGAR District- Vaishali

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Lalu Sahni @ Chote Sarkar Son of Sanichar Sahni R/O Village- Nakhas
Chowk, P.S.- Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh

For the Opposite Party/s : Mr.Nityanand

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in this case is seeking regular bail in connection with Hajipur Town P.S. Case No. 716 of 2019 registered for the offences punishable under Sections 356 and 379 Indian Penal Code. He is in custody since 04.06.2020. The petitioner has got sixteen criminal antecedents.

3. As per the prosecution story, while the informant and her husband were going to their home after withdrawing money, two motorcycle borne persons came and snatched away her bag which contained Rs. Six Lakhs cash, passbook, cheque book and keys of house and godrej.

4. Learned counsel for the petitioner submits that it would appear on perusal of the First Information Report that the

same was registered under Sections 356 and 379 of the Indian Penal Code. It was lodged against unknown.

5. It is submitted that the petitioner has been dragged in this case on the basis of a confessional statement which was extracted from the petitioner when he was arrested in connection with Town P.S. Case No. 337 of 2022. Save and except the confessional statement recorded in police custody, there is no other material to connect the petitioner with the present case.

6. It is submitted that no test identification parade has been conducted and the victim has not identified the petitioner. The petitioner has though got sixteen criminal antecedents, as stated in paragraph '3', but in eleven cases, he has been granted bail. In connection with this case, he has remained in custody for more than four years.

7. Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering that he is not named in the FIR and till date despite his being in police custody, no TIP has been conducted whereas he has already spent more than four years in custody, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with

two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 716 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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