

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39738 of 2024

Arising Out of PS. Case No.-24 Year-2023 Thana- KAMTAUL District- Darbhanga

Mohan Sahni Son of Satto Sahni @ Satya Narayan Sahani R/O- Vill -Janipur ,
P.S- Bisfi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.
For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with S.T. No.
91 of 2024 arising out of Kamtaul P.S. Case No. 24 of 2023
instituted for the offences under Sections 413, 414, 34 of the
Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is that he used to steal motorcycle and sell it in Nepal.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
Learned counsel for the petitioner further submits that nothing
incriminating has been recovered from the conscious possession



of the petitioner as he was not arrested from the spot. The petitioner has been implicated in this case on the basis of his criminal antecedent. Charge-sheet has been submitted in this case. The charge has also been framed against the petitioner under Sections 413, 414, 34 of the I.P.C. on 04.04.2024. The petitioner has been remanded in this case from Benipatti Excise P.S. Case No. 128 of 2023. The petitioner has six criminal antecedents and, in all of them, he is on bail and is languishing in judicial custody since 23.12.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has six criminal antecedents and, thus, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S.T. No. 91 of 2024 arising out of Kamtaul P.S. Case No. 24 of 2023, subject to the



following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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