

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54257 of 2024

Arising Out of PS. Case No.-83 Year-2020 Thana- KAMTAUL District- Darbhanga

1. Sujeeet Kumar Sahni Son Of Ramdular Sahni R/V- Taitaila, P.S.- Kamtaul, Distt.- Darbhanga
2. Sunil Kumar Sahni Son Of Ramdular Sahni R/V- Taitaila, P.S.- Kamtaul, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Kamtaul P.S. Case No. 83 of 2020 dated 22.04.2020, instituted for the offence punishable under Sections 341, 323, 324, 308, 448, 379, 504, 506, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that petitioners along with other accused persons armed with weapons entered into the house of the informant and took the key of godrej on the point of gun and snatched Rs. 75,000/- and golden neck set.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in



this case. It is further submitted that both the sides are co-villagers. On perusal of FIR, it appears that occurrence took place on 20.04.2020 but the FIR was lodged on 22.04.2020 i.e. after lapse of two days without any cogent explanation. It is further submitted that on perusal of FIR as well as medical prescription, it appears that informant, his brother and his son were given medicines and discharged after advice and there is no mention about any injury on the said prescription. Lastly, it has been submitted that the petitioner no. 1 has four criminal cases whereas petitioner no. 2 has three criminal cases against them.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Kamtaul P.S. Case No. 83 of 2020, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Darbhanga, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the



following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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