

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62980 of 2024

Arising Out of PS. Case No.-24 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Guddu Sahani, Son of Late Birendra Sahani, Resident of Village- Siswa
Ajagariya, P.S.- Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dhiraj Kumar, Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-09-2024 Heard Mr. Dhiraj Kumar, learned Advocate for the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner seeks regular bail, who is in custody
in connection with Muffasil P.S. Case No. 24 of 2023 registered
for the offence punishable under Section 392 of the Indian Penal
Code.

3. While the informant was coming to the house on
his motorcycle, in the meantime, three persons boarded on a
motorcycle overtook the motorcycle of the informant and on the
point of pistol, looted away his motorcycle and other valuables.

4. Learned Advocate for the petitioner contended that
on account of his past criminal antecedent, in seven criminal



cases, the police apprehended him on suspicion and thereafter recorded his self-confession. Save and except the self confession of the petitioner, there is no material suggesting his complicity in the present crime. The petitioner has been incarcerated since 07.03.2024, but till date neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered from the possession of the petitioner. Even if the confessional statement is concerned that has no evidentiary value and is hit by Section 25 of the Indian Evidence Act. The co-accused persons, having more or less identical allegation, have been allowed the privilege of bail by this Court in Cr. Misc. No. 50727 of 2024 and further in Cr. Misc. No. 62129 of 2024.

5. On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the petitioner bears seven criminal antecedents, which speak loud about the complicity of the petitioner in identical nature of crime, being a habitual offender.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case against the petitioner is based on the confessional statement and the charge-sheet has been submitted without putting the



petitioner on TIP, coupled with the fact that other co-accused persons, having identical allegation, have been allowed the privilege of bail by this Court, let the petitioner, named above, 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 learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Muffasil P.S. Case No. 24 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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