

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22601 of 2023

Arising Out of PS. Case No.-106 Year-2022 Thana- KOTWA District- East Champaran

GAUTAM SAHANI S/O BHIKHARI SAHANI Resident of Village- Bara
Bharti, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate
		Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party/s	:	Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-04-2023 Heard Mr. Rama Kant Sharma, learned senior counsel
for the petitioner and Mr. Kumar Ranjit Ranjan, learned APP for
the State.

2. The petitioner renews his prayer for bail in connection
with Kotwa PS Case No. 106 of 2022 dated 23.03.2022
registered under Sections 420, 379, 511/34 of the IPC.

3. This is the second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier bail application of
the petitioner was dismissed as withdrawn *vide* order dated
09.12.2022 passed in Cr. Misc. No. 47329/2022 (Annexure-1)
with liberty to renew his prayer for bail after completion of one
year in custody.

4. The prosecution story, as per FIR, is that the informant



was standing in the queue for withdrawal of money through ATM Card in front of ATM kiosk of the Axis Bank. In the said queue, behind petitioner, one person was also standing and he snatched ATM Card of the informant and by using another ATM Card, he tried to withdraw money from the ATM. Upon *Hulla* being raised by the informant, the accused person was caught with the help of villagers and upon asking he disclosed his name as Gautam Sahani i.e., petitioner and the name of his partner as Vikash Kumar who co-operates the petitioner in withdrawal of the money.

5. Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of concocted story and from perusal of the FIR, it would be evident that the only allegation against the petitioner is that he attempted to commit theft. No money was withdrawn from the ATM Card of the informant and the petitioner is in custody since 23.03.2022 and now he has completed more than one year in custody. Charge-sheet has already been submitted. Learned counsel next submits that there is no likelihood that the petitioner will abscond or will tamper with the evidences, if he is granted bail.



Regard being had to the submissions made by the parties and taking into consideration the fact that the charge sheet has been submitted, petitioner has remained in custody since 23.03.2023 i.e., for more than one year, there is no likelihood that the petitioner will abscond or will tamper with the evidences and this is the second attempt for bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, namely, GAUTAM SAHANI be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, East Champaran at Motihari in connection with Kotwa PS Case No. 106 of 2022.

(Anil Kumar Sinha, J)

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