

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30761 of 2022

Arising Out of PS. Case No.-69 Year-2021 Thana- PATLIPUTRA District- Patna

ANIL KUMAR SAHANI @ VICKY KUMAR @ ANIL Son of Kapil Sahani
Resident of Laxminiya, P.S.- Tariyani, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Sharan, Advocate
For the Opposite Party/s : Ms. Sangeet Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Patliputra PS case no. 69 of 2021 instituted for the offences punishable under Sections 461, 379, 511 of the Indian Penal Code.

The allegation is regarding one Vivek Kumar having been arrested by the police while he was trying to cut the A.T.M. machine of Bank of India on the alleged date and time of occurrence with intention to steal the cash amount kept in the said A.T.M., however, since the police had reached at the place of occurrence, money could not be taken out.

The learned counsel for the petitioner submits



that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 22.07.2021. The learned counsel for the petitioner has further submitted that the name of the petitioner has transpired in the present case upon the confessional statement made by the co-accused person namely Vivek Kumar, who has already been granted bail by this Court vide order dated 16.12.2021, passed in Cr. Misc. no. 42949 of 2021. It is also submitted that all the other named accused persons have already been granted the privilege of bail. Lastly, it is submitted that the petitioner has been roped in the present case merely on account of his bad antecedent.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person who has already been granted bail by this Court apart from the fact that the name of the petitioner has transpired in the present case



upon confessional statement made by the co-accused person and there appears to be minuscule evidence in the case diary so as to connect the petitioner with the alleged crime, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge XII-cum-A.C.J.M., Patna in connection with Patliputra PS case no. 69 of 2021.

(Mohit Kumar Shah, J)

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