

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67879 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- BIRAUL District- Darbhanga

=====

AJAY KUMAR SAHANI @ AJAY SAHANI S/o Late Ghuran Sahani R/o
Nawkothe, P.S.- Nawkothe, Distt- Begusarai (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Prashant Kashyap, Advocate
		Mr.Pawan Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Dr.Mrityunjaya Kr.Gautam, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Biraul
P.S. Case No. 122 of 2022 registered for the offence under
Sections 395, 397, 412, 120(B) of the Indian Penal Code and 27
of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 02.07.2022.

The allegation against the petitioner is to commit
dacoity, along with other co-accused persons, in Punjab
National Bank at Supaul Bazar Branch, District- Darbhanga on



07.04.2022, where a total amount of Rs. 41,79,457/- was alleged to be looted.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and his name surfaced, during the course of investigation, on the basis of confessional statement of co-accused person, namely, Khurshid Alam, in furtherance of which no incriminating material recovered/surfaced to connect petitioner, *prima facie*, with the present occurrence of dacoity. It is submitted that no TIP was conducted, as yet. It is further submitted that petitioner found involved in one (1) case of petty nature, where he is on bail. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that the name of the petitioner surfaced on the basis of confessional statement of the co-accused.

In view of the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced, during the course of investigation, to connect the petitioner, *prima facie*, with the present occurrence of dacoity coupled with the



fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Biraul P.S. Case No. 122 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Biraul, Darbhanga/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

U		T	
---	--	---	--

