

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16004 of 2024

Arising Out of PS. Case No.-377 Year-2022 Thana- BAIRIYA District- West Champaran

Raj Kumar Sahani Son Of Late Dwarika Sahani Resident Of Village - Balaha
Basanta, Police Station - Lalganj, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratik, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 22-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bairia
P.S. Case No. 377 of 2022 dated 07.12.2022, instituted for the
offence punishable under Sections 395 & 397 of the Indian
Penal Code and under Section 27 of the Arms Act.

3. Allegation is of looting cash amounting Rs.
8,29,655/- from a bank on gun point and of assaulting manager
(informant), Accountant and cash counter employees by the
unknown persons.

4. Learned counsel for the petitioners submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that the petitioner is not named in
the F.I.R. The name of the petitioner has transpired in this case



only on the basis of confessional statement of another co-accused namely, Raja Kumar. No incriminating articles has been recovered from the conscious possession of the petitioner. Till date, no Test Identification Parade (T.I.P.) has been done as yet. It is submitted that similarly situated person namely, Raja Kumar has been granted bail *vide* order dated 31.08.2023 passed by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 55875 of 2023. It is further submitted that other co-accused namely, Ashok Ram has been granted bail *vide* order dated 24.06.2023 passed by this Court in Criminal Miscellaneous No. 34580 of 2023 and other co-accused persons namely, Bheem Sahani and Rahul Kumar have been granted bail *vide* order dated 10.04.2024 passed by this court in Criminal Miscellaneous No. 1284 of 2024. Lastly, it has been submitted that the petitioner is in custody since 10.01.2023, he has four criminal cases against him and charge-sheet has been submitted in the case.

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, let the petitioner be released on bail upon furnishing bail bonds of



Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge- III, West Champaran, Bettiah in Bairia P.S. Case No. 377 of 2022, subject 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)

sankalp/-

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