

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33754 of 2024

Arising Out of PS. Case No.-518 Year-2021 Thana- BAGHA District- West Champaran

Bhim Sahani @ Lalan Sahani @ Thikedar, aged about 33 years, Male, Son of Late Ram Janam Sahani, Resident of Village- Jahanabad, P.S- Lalganj, District-Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Prasad Singh, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-06-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bagaha P.S. Case No. 518 of 2021, Tr. No. 1509 of 2023 dated 05.10.2021 registered for the offences punishable under Section 394 of the I.P.C. and Section 27 of the Arms Act. Later on, Sections 395, 307, 326 and 400 of the I.P.C. were also added.

3. As per the prosecution case, on 05.10.2021, the informant's elder brother Ankit Agarwal was coming to his house from his shop with Rs. 6,26,000/-, Laptop and his mobile phones kept in his car. When he reached near *Tinmuhane* in *Madwari Mohalla*, Bagaha, in the meantime, four unknown miscreants on two motorcycles reached there and told him to



open the door of the car. When he did not open the door, one of the accused persons fired with his pistol due to which, window of the car was broken and bullet stroke in the elbow of the right hand of Ankit Agrawal and he sustained injury. Thereafter, the accused persons took Rs. 6,26,000/- in cash, one Laptop and mobile phones and fled away. The injured Ankit Agrawal was brought to the Sub-Divisional Hospital and from there he was referred to Gorakhpur for his better treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has sprung up in the present case on the basis of the confessional statement of the co-accused Rajan Choudhary. No incriminating article has been recovered from his conscious possession. It is further submitted that no T.I. Parade has been done. The petitioner has nine criminal antecedents, out of which, in four cases, he has been acquitted and in five cases, he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 17.07.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Bagaha, West Champaran. in connection with Bagaha P.S. Case No. 518 of 2021, Tr. No. 1509 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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