

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33517 of 2024

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

Rahul Kumar, aged about 24 years, Male, Son of Sri Dinesh Sahni, R/O 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 : Mr. Md. Ataur Rahman, 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 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. It is further submitted that other co-accused persons have already been granted bail vide Cr. Misc. No. 26219 of 2022 under order dated 09.11.2022 and Cr. Misc. No. 44923 of 2022 dated 22.06.2023. The petitioner has three criminal antecedents, out of which, in one case, he has been acquitted and in two cases, he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 05.01.2024.



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, 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 A.C.J.M.-Ist, Bagaha, West Champaran in connection with Bagaha P.S. Case No. 518 of 2021.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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