

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70934 of 2024

Arising Out of PS. Case No.-48 Year-2018 Thana- DARBHANGA District- Darbhanga

Indal Sahni Son of Chhote Sahni Village- Sanati Dih, Ps- Bochahan (garh),
Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 30-10-2024 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Darbhanga Town Police Station Case No. 48 of
2018, disclosing offences under Sections 457, 380, 401, 427, 34
of the Indian Penal Code.

3. As per the prosecution story, on 13-03-2018 at
about 13.30 p.m., information was received by the informant
that ATM counter situated near J.P. Chowk at Manharan Lal
Mohalla has been cut and as per direction of SHO and in order
to verify the matter, the informant went there and saw that ATM
machine has been cut by means of gas cutter and cash box lying
outside the machine and cash was missing. In the meantime, one
Pramod Thakur arrived there and stated that he is custodian of
the ATM machine and in the ATM machine cash Rs. 3,67,600/-



had been kept and in the previous night unknown thieves, after cutting the ATM machine, committed theft of aforesaid cash.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to high handedness of police. He next submits that petitioner is not named in the FIR and his name surfaced in this case during the course of investigation on the basis of confessional statement of co-accused Teju sahani which has no evidentiary value in the eyes of law. He next submits that police verified the matter through CCTV footage but the petitioner is not present at the place of occurrence. He further submits that there is no independent witness of the occurrence.

5. I have heard learned counsel for the parties and have gone through the materials on records. In the impugned order, the learned Additional Sessions Judge has taken note of the fact that from the case diary, it appears that from the local people, involvement of one shutter cutter's gang has come into picture and petitioner is chief of that gang. Notice was issued to the petitioner by the police under Section 41(A) of Cr.P.C. but he never appeared before the police. Arrested co-accused Tezu Sahni disclosed that one black Scorpio was used in the crime which was seen in CCTV footage. The petitioner is having



criminal antecedents under Section 379, 395 of Indian Penal Code, accordingly, I am not inclined to grant anticipatory bail to the petitioner.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

HarshPandey/-

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

