

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1284 of 2024

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

Bheem Sahani @Thekedar Son Of Late Ramjanam Sahani Resident Of
Village -JEHANABAD, Ps- Lalganj, Dist- Vaishali At Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 2302 of 2024

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

Rahul Kumar S/o Dinesh Sahani Resident of Village - Jahanabad Basanta,
Police Station - Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 1284 of 2024)
For the Petitioner/s : Mr. Niranjana Parihar, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP
(In CRIMINAL MISCELLANEOUS No. 2302 of 2024)
For the Petitioner/s : Mr. Pratik, Advocate
For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 10-04-2024 Both the cases have been taken up together as they
arise from the same P.S. Case No.

2. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

3. The petitioners seeks bail in connection with
Bairiya 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.

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

5. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the petitioners are not named in the F.I.R. The name of the petitioners have transpired in this case only on the basis of confessional statement of another co-accused persons, namely, Raja Chaudhary and Satarjit Chaudhary. No incriminating articles have been recovered from the conscious possession of the petitioners. 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 submitted that other accused persons namely, Ashok Ram has been granted bail *vide* order dated 24.06.2023 passed by this Court in Criminal Miscellaneous No. 34580 of 2023. Lastly, it has been submitted that the petitioner, Bheem Sahani is in custody since 19.02.2023 and petitioner,



Rahul Kumar is in custody since 11.01.2023, charge-sheet has been submitted in the case and the petitioner, Bheem Sahani has seventeen criminal cases against him whereas, petitioner, Rahul Kumar has one criminal case against him.

6. Learned A.P.P. has opposed the prayer for bail of the petitioners.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners 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 A.D.J. IIIrd, West Champaran at Bettiah in Criminal Miscellaneous No. 1284 of 2024 and learned Chief Judicial Magistrate, Bettiah, West Champaran in Criminal Miscellaneous No. 2302 of 2024 in Bairiya P.S. Case No. 377 of 2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife.



3. The bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their 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 petitioners tamper 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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