

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17472 of 2016

Arising out of PS.Case No. -105 Year- 2014 Thana -MOTIPUR District- MUZAFFARPUR

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Avnish Singh @ Awinish Singh @ Awinash Singh, S/O Chandraket Singh,
R/o Village- Delhi, P.S.- Madhuban, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate.

For the Opposite Party : Mr. Nand Kishore Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 24-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 30.11.2015
in connection with Motipur P.S. Case No. 105 of 2014 for the
offences instituted under Section 379 of the IPC.

The prosecution story, in brief, is that on 16.04.2014 at
about 3.05 P.M., cash Incharge Sidhnath Jha loaded Rs.
15,00,000/- in a suitcase for filling in ATM and before filling in
ATM, cash was counted on counting machine and thereafter, cash
was kept in system room by one Birendra Kumar. It is further
alleged that the said Birendra Kumar went outside the system
room for some urgent work and when he returned, suitcase
counting cash was found missing. Immediately, information was
given to local P.S., and in presence of the police, CCTV footage
was seen. In CCTV footage, one person was seen in green

coloured shirt and he was found fleeing with suitcase.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.11.2015 and the charge sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R.

On behalf of the State it has been submitted that the case was instituted for committing a theft of Rs. 15,00,000/- of the bank which was to be deposited in the A.T.M. Machine. From perusal of paragraph nos. 45 and 47 of the case diary, it is evident that the petitioner has been identified as one of the accused from the footage of CCTV which was placed at the place of occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Motipur P.S. Case No. 105/2014, pending in the court of the learned J.M. Ist Class, Muzaffarpur. The court below is directed to take all necessary steps to conclude the trial preferably within a period of one year from the date of receipt/production of copy of the order.

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(Sudhir Singh, J)