

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77493 of 2018

Arising Out of PS. Case No.-895 Year-2018 Thana- SITAMARHI District- Sitamarhi

MANTUN KUMAR S/o Lalan Shah @ Lalan Prasad Sah, R/o Vill.- Aatapur,
P.S.- Hasanpur, District- Samastipur Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.Sri Ajay Kumar -2

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-01-2019 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner is languishing in custody since
01.10.2018 in a case registered for the offences punishable
under Section 392 of the Indian Penal Code.

The prosecution case got initiated on the basis of
written report dated 22.09.2018 submitted by Priya Garg to
the Station House Officer, Mehsaul (O.P) Police Station is to
the effect that on 21.09.2018 at 12.00 P.M., a boy entered into
the house of the informant and robbed ornaments, cash etc.
after pointing out pistol on the minor daughter of the informant
and escaped from the scene along with his other associates on
a bike. Subsequently, on the basis of the CCTV footage, the
said motorcycle which was used in commission of robbery
was recovered from the possession of the petitioner. It is also



alleged that during Test Identification Parade, the petitioner was identified by the informant.

It is submitted by learned counsel for the petitioner that there is no recovery from the petitioner. Though the informant has identified the petitioner during Test Identification Parade, but she has not suggested the role played by the petitioner in commission of alleged crime. A statement has been made in paragraph no.3 of the petition that though the petitioner is accused in four other cases, apart from the present case, but in all those cases, he is on bail.

Learned counsel for the informant submits the petitioner's identification has not only been established from the footage of CCTV cameras, but also from the fact that he was identified by the informant during the Test Identification Parade.

Learned APP for the State also supports the contention of learned counsel for the informant.

Considering the nature of accusation and in view the fact that the petitioner's identification has been established from the footage of CCTV camera as well as during Test Identification Parade, coupled with recovery of alleged motorcycle, though it has been registered in the name of the



uncle of the petitioner, this Court is not inclined to grant bail to the petitioner for the present.

Accordingly, the prayer for bail of the petitioner in connection with Sitamarhi P.S. Case No. 895/2018, pending before the learned CJM, Sitamarhi is rejected.

It is expected from the trial Court to expedite the trial and conclude the same, preferably within a period of one year. However, if the trial will not be concluded within a period of one year, the petitioner would be at liberty to renew the prayer for bail.

(Dinesh Kumar Singh, J)

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