

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1370 of 2020

Arising Out of PS. Case No.-210 Year-2019 Thana- SURYAGARHA District- Lakhisarai

RUPESH KUMAR @ MINI NARESH @ MINI DOWN Son of Dayanand
Mahto Resident of Village - Khawa Chandratola, P.S.- Mednichauki, District-
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Binod Kumar No. 3

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 15-06-2020 Heard learned Counsel for the petitioner and learned
Counsel for the State, through video conferencing.

The petitioner seeks regular bail in connection with
Suryagarha Police Station Case No. 210 of 2019, registered for
the offences punishable under Sections 395/397 of the Indian
Penal Code, Sections 3/4 of the Explosive Substances Act and
Section 27 of the Arms Act.

The allegation against the petitioner is that the
petitioner, along with others, pretended to be the customer,
entered into the jewellery shop of the informant and looted away
jewellery, mobiles etc. from the said jewellery shop of the
informant and when the informant resisted, the accused persons
shot at the informant by fire-arm, which hit the informant on his



right leg.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and altogether nine persons have been involved in this case. He further submits that the petitioner is not named in the First Information Report, no Test Identification Parade was conducted by the police and nothing has been recovered from the possession of the petitioner. He further submits that the petitioner has been implicated in this case merely on the basis of suspicion.

On the other hand, learned Counsel for the State vehemently opposes the prayer for bail and submits that in course of investigation and based upon the statement of the eye-witnesses, the petitioner has been identified in the CCTV footage and the petitioner has got criminal antecedent inasmuch as five cases of similar nature are pending against him.

After having heard learned Counsel for the parties and taking into consideration the fact that in course of investigation, eye-witnesses have identified the petitioner in the CCTV footage and the petitioner is a history-sheeter inasmuch as the petitioner is involved in five cases of similar nature, I am not inclined to grant bail to the petitioner.



This application is, accordingly, dismissed.

However, if the trial does not show any progress within a period of one year from today, the petitioner may renew his prayer for bail.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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