

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8448 of 2020**

Arising Out of PS. Case No.-122 Year-2019 Thana- KARJA District- Muzaffarpur

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Anil Baitha @ Anil Chaudhary, aged about 33 years (M), Son of Jalandhar Chaudhary Resident of Village- Makdumpur Kodariya, P.S.- Karja, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 11-06-2020**

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Vasant Vikas, learned counsel for the petitioner and Mr. Ajay Kumar Jha, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Karja PS Case No. 122 of 2019 dated 20.05.2019 instituted under Sections 394/302 of the Indian Penal Code and 27 of the Arms Act.

4. The allegation against the petitioner and three others is that they had fired on the younger brother of the informant and snatched his bag which contained more than



Rs.13,00,000/-.

5. Learned counsel for the petitioner submitted that the FIR was against unknown and only on the basis of his name taken by a spy the police have implicated him. Learned counsel submitted that the petitioner himself surrendered on 06.08.2019. It was further submitted that the so called identification made of the petitioner from the CCTV footage cannot be relied upon since it is not of the place of occurrence rather away from that.

6. Learned APP, from the case diary, submitted that witnesses have specifically identified the petitioner as one of the persons, among the four, who had committed the crime as he was found sitting on one of the two motorcycles and in the hand of the petitioner was the looted bag. It was further submitted that the CCTV footage is of the way in which the culprits had run away after committing the crime and, thus, it is reliable and in the same sequence of events. Learned counsel submitted that the identification by photograph is good evidence and it is immaterial as to whether the person identified has taken the name of the petitioner or not for ultimately the photograph in the CCTV footage is of the petitioner. It was submitted that the petitioner has two other criminal antecedents.

7. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands dismissed.

9. However, the Court below would expedite the trial.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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