

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15554 of 2020

Arising Out of PS. Case No.-154 Year-2019 Thana- BANKA District- Banka

Rohit Kumar, aged about 22 years (Male), S/o Shyam Manjhi, resident of village- Pilua, Police Station- Bounsi, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 19-06-2020

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

2. Heard Mr. Balram Kapri, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Banka P.S. Case No.154 of 2019 dated 12.03.2019 instituted under Section 379 of the Indian Penal Code.

4. The allegation against the petitioner, though not named is that in the FIR, is of stealing over rupees four lakhs from the dicky of the motorcycle of the informant.

5. Learned counsel for the petitioner submitted that only on suspicion he has been made accused without there being any witness and also not being named in the FIR. It was submitted that the petitioner has antecedent of five cases and in



one of the cases he was in custody from 16.03.2019 and thereafter in the present case he has been remanded on 29.04.2019. It was submitted that the present incident is said to have taken place on 12.03.2019, whereas, the petitioner and two other co-accused were caught in a different case on 16.03.2019 and one of the co-accused, Chandan Yadav, has given confessional statement to the police with regard to all of them being involved in such crimes, including the present case. It was submitted that there has been no recovery from the petitioner in the present case.

6. Learned APP submitted that from the possession of the petitioner various looted articles in another case have been recovered and, most importantly, in the present case, he has been identified by the informant in the Test Identification Parade.

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.

(Ahsanuddin Amanullah, J)

J. Alam/-

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