

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34057 of 2020

Arising Out of PS. Case No.-243 Year-2019 Thana- SHEOHAR District- Sheohar

1. BALINDRA RAI @ BALINDRA KUMAR Son of Ramlakhan Ray
Resident of Village - Turki, P.S.- Minapur, District - Muzaffarpur
2. Virendra Ray @ Virendra Kumar Son of Ramlakhan Ray Resident of Village
- Turki, P.S.- Minapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 12-04-2021 The learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition of petitioner No.2, Virendra Ray @ Virendra Kumar.

Prayer is allowed.

The anticipatory bail petition of petitioner No.2 is dismissed as withdrawn.

Heard both sides.

The petitioner No.1, Balindra Rai @ Balindra Kumar, apprehends his arrest in Sheohar PS case No. 243/2019 registered under Section 395 of the IPC.

Anil Kumar Singh, Branch Manager of United Commercial Bank, Sheohar alleged in his written report that on 28.10.2019 he came to the branch and started his daily functioning. At about 12.37 six accused persons entered into premises of the bank. Two accused persons were bearing helmet and other four miscreants have covered their faces with scarf.



All the accused persons were armed with pistol. The accused persons on the point of pistol looted away Rs. 32,33,760/- from the chest of the bank.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. Not a single witness has identified the petitioner. The name of petitioner surfaced in the case in the confessional statement of Vikash Kumar. The petitioner happens to be brother of Vikash Kumar. Nothing has been recovered from the possession of the petitioner but it appears that own brother of the petitioner confessed his guilt. The details of CDR of mobile of the accused persons were obtained and on the basis of such the accused persons were apprehended. The accused persons disclosed the name of Balindra Rai and Virendra Ray. Rs. 30, 86,380/- was recovered from the accused persons who disclosed the name of the petitioner as one of the participants in the dacoity. It is a case of bank robbery and custodial interrogation as well as test identification parade are required, therefore, I find that petitioner, Balindra Rai, does not deserve anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Jha, J)

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