

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9159 of 2021

Arising Out of PS. Case No.-310 Year-2020 Thana- ARA NAGAR District- Bhojpur

GORAKHA MALI, S/o Umesh Mali, R/o Village- Gaush Ganj, P.S.- Ara
Nagar, Distt- Bhojpur. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 461, 379, 411, 34 of the
Indian Penal Code.

The prosecution case, in brief, is that the informant
alongwith police personnel saw at mid night two persons tried to
flee away but they saw that one person was hidden behind the
Axis Bank ATM. The petitioner arrested and disclosed that
alogwith co-accused we were tried to cut the ATM.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that occurrence took place on
24.07.2020 and FIR was registered on 25.07.2020 and there is
no explanation for one delay. There is no any incriminating
articles has been recovered from the conscious possession of the



petitioner. The police has apprehended the petitioner near the Axis Bank ATM. The petitioner is languishing in jail custody since 25.07.2020. The petitioner has one criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposed the prayer for bail petition of the petitioner and submits that the petitioner was apprehended red handed as he was hidden behind the Axis Bank ATM and the seizure list goes to show that an iron sabal was seized at the spot which is alleged to be used by the petitioner alongwith other co-accused in smashing the Axis Bank ATM and the para 32 of the case diary the petitioner was identified in CCTV footage.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Nagar P.S. Case No. 310/2020 from the Court of learned Chief Judicial Magistrate, Bhojpur at Ara.

Accordingly, this application is dismissed.

However, the petitioner is at liberty to renew his prayer for bail after framing of the charge.

(Anjani Kumar Sharan, J)

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