

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67317 of 2021

Arising Out of PS. Case No.-55 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Neeraj Kumar @ Neeraj Mahto, Son of Ram Pukar Mahto, Resident of
Village- Chanaur, Ward No.11, P.S.- Bhagwanpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hare Krishna Prasad, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-09-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Hare Krishna Prasad, learned counsel

appearing on behalf of the petitioner and learned APP for the

State.

The petitioner seeks regular bail, who is in custody in

connection with Cheria Bariarpur P.S. Case No. 55 of 2021

registered for the offences punishable under Sections 395 and

397 of the Indian Penal Code.

The prosecution case is based on a written complaint

filed by the Branch Manager, UCO Bank, Akopur Branch,

Begusarai alleging therein that on 02.03.2021, at about 12.06



P.M. while he was discharging his official duty, in the meantime, four miscreants having arms in their hands entered into the Bank and forcibly seated the customers on the ground. It is further alleged that two other miscreants assaulted the cashier by means of butt of their pistols, due to which he sustained head injury. The miscreants also snatched the key of the strong room and over powered the Daftary and on the point of arms forcibly opened the vault room and took out the entire cash and kept in a bag. During the course of occurrence, one miscreant was also standing on the main gate, having pistol in his hand, and after the incidence all the four accused persons came outside from the Bank, however all of a sudden their faces, which were covered by Gamchha untied. The informant asserts that he can identify the miscreants. Thereafter all the miscreants fled away from two motorcycles. On verification, the informant came to know that the miscreants looted cash of Rs. 5,85,123/- and from the footage of CCTV camera of the Bank it was found that six miscreants were committed the incidence of loot.

Mr. Hare Krishna Prasad, learned counsel for the petitioner submits that from the F.I.R. it would be evident that the miscreants were covered their faces and they have not been identified and, as such, the F.I.R. has been instituted against six



unknown miscreants. He next submits that on mere suspicion and after apprehending him, the police forcibly obtained his statement showing the complicity of the petitioner and so far as the alleged recovery of Apache motorcycle, clothes and helmet are concerned, neither the petitioner nor the alleged recovered materials have ever been put on TIP. He next submits that only because of past criminal antecedent, his name has been implicated in this case, as at no point of time the registration number of the motorcycle have been disclosed or identified in the CCTV footage. He lastly submits that charge-sheet has been submitted in this case, though the petitioner is in custody since 29.03.2021.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that from perusal of para 50 of the case diary, it would be evident that in course of verification of CCTV footage at Rampur Chowk, six miscreants were seen running from the place of occurrence and two motorcycles, one of which Apache motorcycle has been recovered from the house of the petitioner. He also submits that petitioner Neeraj Kumar @ Neeraj Mahto has also stated the name of the other co-accused persons in committing the Bank dacoity.



Earlier vide order dated 23.08.2022, a report was called for from the Superintendent of Police, Begusarai with regard to Test Identification Parade of the petitioner and other co-accused persons in connection with the present crime and in compliance thereof a report was submitted before this Court, which is on record.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record, specially the recovery of alleged Apache motorcycle from the house of the petitioner, used for the purpose of committing the crime and also identified in the CCTV footage, apart from the fact that the petitioner was put on T.I.P. and he has been identified by both the witness, who have stated that the petitioner also entered into the cash room of the Bank along with another accused persons with arms, this Court is not persuaded to enlarge the petitioner on bail.

Accordingly, the bail application of the petitioner stands rejected.

(Harish Kumar, J)

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