

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68881 of 2021**

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

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Lalit Jha, Son of Badrinath Jha, Resident of village- Rudauli, P.S. and P.O.
Bachwarra, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, 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. Santosh Kumar, 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.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case on mere suspicion. It is next submitted that the F.I.R. has been instituted against unknown six miscreants. However, during the course of investigation co-accused Neeraj Kumar @ Neeraj Mahto was apprehended and he having accepted his complicity in the present crime, disclosed the name of his



associates, including the petitioner. Save and except the confessional statement, there is no other material suggesting the complicity of the petitioner in the present crime. He further submits that on the basis of the aforesaid confessional statement, the petitioner was apprehended and one Glamour motorcycle, which is said to have been used for the purpose of liner in the crime as well as a bundle of denomination of Rs.50/- as well as a blue colour shirt have been recovered, though neither the petitioner nor the alleged recovered motorcycle and currency note was put on TIP. He lastly submits that the petitioner, having fair antecedent, is in custody since 29.03.2021 and investigation of the crime is already completed much earlier and the charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is ample evidence in the case diary, which suggests the complicity of the petitioner in the crime. He submits that from the confessional statement of co-accused Neeraj Kumar @ Neeraj Mahto the name of the petitioner transpired and on search a black colour Glamour motorcycle and looted currency note has been recovered from the possession of the petitioner. He also submits that one of the miscreants, who was wearing blue colour shirt was also recovered from the possession of the



petitioner, which shows the active participation of the petitioner in the crime.

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 black colour Glamour motorcycle and the looted currency notes, apart from the fact that the petitioner was put on T.I.P. on 04.01.2022 and he has been identified by two of the witnesses, who categorically disclosed that the petitioner was one of the person, who also entered along with other miscreants into the Bank, 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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