

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69211 of 2021

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

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Bhola Kumar Chourasiya, Son of Ram Bali Chourasiya @ Ram Bali Mahto,
Resident of Village- Chakdullam, Ward No.- 13, Banwaripur, P.S.-
Bhagwanpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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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. Randhir Kumar No.1, 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 dacoity.

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.



However, during the course of investigation, the footage of CCTV camera installed at different places were verified and it has been found that six miscreants seated on two motorcycles were seen fleeing from Rampur Chowk and thereafter on the basis of the motorcycles and clothes used at the time of alleged occurrence co-accused Neeraj Kumar @ Neeraj Mahto was apprehended and on search one Apache motorcycle, which was being driven and the clothes, which were wore by him, have been recovered from his house and co-accused Neeraj Kumar confessed his complicity in the Bank dacoity and he disclosed the name of his other associates, including the name of the petitioner.

Learned counsel further submits that save and except the confessional statement implicating the name of the petitioner, there is no material suggesting the complicity of the petitioner in the crime, inasmuch, as neither the petitioner nor any incriminating material, which is said to have been allegedly recovered from the possession of the petitioner, has been put on TIP. On the basis of the aforesaid confessional statement, the petitioner was apprehended and after obtaining his signature, confessional statement has been recorded, which has no evidentiary value in the eye of law.



So far the alleged recovery of 75 currency notes of Rs.100 denominations, 30 torned currency notes of Rs. 100 denomination and 70 currency notes of Rs. 20 denomination and the shoes are concerned, neither the petitioner nor the alleged looted currency notes and shoes wore by the petitioner at the time of crime was put on T.I.P. He lastly submits that the petitioner is in custody since 29.03.2021 and after completion of the investigation, charge-sheet has been submitted.

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 was black colour Honda Shine, the said motorcycle has been recovered from the house of the co-accused. He also submits that co-accused Neeraj Kumar @ Neeraj Mahto has also stated the name of the petitioner along with other co-accused persons in committing the Bank dacoity. He next submits that the petitioner has found involved in two other criminal cases.

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.

From the report, it appears that the petitioner was put on T.I.P. and in course of test identification parade conducted on 04.01.2022, the petitioner has not been identified by the witnesses, as at the time of T.I.P. he was having big beard on his face.

Regard being had to the submissions made on behalf of the parties and considering the facts, especially the recovery of looted currency notes and other incriminating materials coupled with the criminal antecedent of the petitioner, this Court is not persuaded to enlarge the petitioner on bail.

Accordingly, the bail application of the petitioner stands rejected, for the present.

(Harish Kumar, J)

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