

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31548 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- RAGHOPUR District- Supaul

1. Md. Juber S/o Late Imamul Resident of Village - Fulkaha, Ward No. 21, P.S.
- Jadiya, District - supaul.
2. Md. Shakil S/o Md. Hasan Resident of Village - Narpanj, Ward No. 14, P.S.
- Narpatganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41265 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- RAGHOPUR District- Supaul

Md. Mukhtar Son of Md. Sagir Resident of village- Fulkaha, Ward No. 17,
P.S.- Jadiya, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31548 of 2022)

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate.

Mr. Pankaj Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 41265 of 2022)

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate.

Mr. Pankaj Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-02-2023 Learned counsel for the petitioners is permitted to



remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Anil Prasad Singh, learned counsel for the petitioners and learned APP for the State.

Both the applications are arising out of same P.S. case and as such with the consent of the parties both the applications are being heard together and disposed off by a common order.

The petitioners seek regular bail, who are in custody in connection with Raghapur P.S. Case No. 157 of 2021, registered for the offences punishable under Sections 392/34 of the Indian Penal Code.

As per the prosecution, it is alleged that on 25.06.2021 while the informant along with his clerk and driver coming after making collection of money and when they reached near the shop of Arbind Sah, in the meantime, four motorcycle borne miscreants armed with loaded pistol entered the shop of the informant and demanded cash and when the same was resisted, two miscreants came near the four-wheeler and took away Rs.2,50,000/- and some cash from the counter of Arbind Sah and fled away by two motorcycles. It is also alleged that the miscreants are also taken away cheque, owner book and other valuables.



Learned counsel appearing on behalf of the petitioners submits that the FIR has been instituted against unknown miscreants, however, their names have been implicated in this case on being arrested by the police and later on confessional statement of the petitioners have been recorded implicating their names in the present case. He further submits that though the informant claims to identify the accused persons, but till date they have not been put on test identification parade. He next submits that so far co-accused Md. Mukhtar and Md. Shakil are concerned nothing has been recovered from their persons or possession, however, so far as Md. Juber is concerned, it is alleged that Rs.70,000/- cash amount has been recovered from his house. He also submits that in fact on being arrested in the present case, the petitioners have been remanded in various other cases also. He lastly submits that neither the petitioners have been put on test identification parade nor the amount which is said to have been recovered from the house of Md. Juber has been identified as looted property. He next submits that the petitioners are in custody for more than a year and moreover, the investigation of the crime is already complete and the charge-sheet has been submitted.

On the other hand learned APP for the State



vehemently opposes the bail application and submits that on the last occasion vide order dated 09.11.2022, case diary along with CCTV footage report was called for. From the CCTV footage report, it appears that all the petitioners have been identified while they were committing the crime of loot and not only that on the confession of Md. Juber, recovery of Rs.70,000/-, which is said to be part of the looted articles, has been recovered from his house. He also submits that all the petitioners are carrying multiple criminal antecedent.

At this juncture, learned counsel for the petitioners submits that all the cases which have been mentioned in paragraph 3 of the respective bail applications have been instituted against unknown miscreants and later on the petitioners have been remanded in these cases. He further submits that so far as CCTV footage is concerned, that cannot be taken as an evidence in absence of the fact that the petitioners have not been put on test identification parade.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record, specially the fact that the petitioners have been identified in the CCTV footage while commission of crime and further there is confession of Md. Juber leading to the recovery, hence, this



court is not persuaded to enlarge the petitioners on bail for present.

Accordingly, both the applications stand rejected.

(Harish Kumar, J)

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