

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33378 of 2022

Arising Out of PS. Case No.-274 Year-2018 Thana- RAMPUR District- Gaya

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YOGENDRA MAHTO @ AJAY CHAUHAN @ MASTER VIKARAM SON
OF LATE SUDARSHAN MAHTO R/O VILLAGE- KHAIRWA, P.S.-
BHAGWANPUR, DISTRICT- SIWAN Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.3, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

7 18-04-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

2.Heard learned counsel for the petitioner and the learned APP for the State.

3. Petitioner seeks regular bail in connection with Rampur P.S. Case No. 274 of 2018 dated 24.07.2018 registered for the offence(s) punishable under Section(s) 395 of the Indian Penal Code.

4. The main submissions advanced by the learned counsel for the petitioner are that the FIR has been registered against unknown persons, though against the petitioner there are criminal antecedents of thirteen cases but he is on bail in all the said cases of antecedents, petitioner's name surfaced in the



alleged crime in the statement of co-accused Ankesh Kumar @ Michel @ Ankesh @ Michal who has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.55337 of 2019 and several other co-accused persons, namely, Saurabh Kumar @ Balram, Aman Kumar and Yogendra Mahto @ Ajay Chauhan @ Master have been granted bail by different co-ordinate benches of this Court. Further submissions are that the petitioner has been languishing in jail since 10.03.2022 and he was remanded in the present case from other P.S. case and investigation has been completed against him and he was not put on Test Identification Parade during investigation.

5. Learned APP appearing for the State has opposed the bail prayer and submitted that at the time of commission of the alleged occurrence of dacoity, face of one of the accused persons was uncovered and CCTV footage of the concerned incident was examined during investigation and the said footage was seen by the wife of this petitioner, who identified this petitioner being her husband in the said footage and petitioner's other relatives also supported the petitioner's criminal background.

6. Heard both the sides and perused the FIR as well as



case diary of this case. The instant matter relates to dacoity committed in the house of the informant and ornaments made of gold/silver were looted in said occurrence and during the investigation, as per prosecution, the CCTV footage of the concerned incident was examined and the same was shown to the petitioner's wife who identified the petitioner and as per petitioner's close relatives whose statements are mentioned at paragraph nos.68 and 71 of the case diary, he has remained indulged in the offences of loot and dacoity and admittedly against the petitioner, there are criminal antecedents of thirteen cases apart from the present matter. Considering all these facts and the nature of allegation appearing against the petitioner, in my view, petitioner does not deserve to the privilege of bail and in view of the identification of petitioner by his own wife his case does not appear to be similar to the co-accused persons, who are on bail. Accordingly, his bail prayer stands rejected.

7. Petitioner may renew his bail prayer after six months from the date of this order, if any significant progress is not made in his trial by the trial court.

(Shailendra Singh, J)

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