

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54818 of 2022

Arising Out of PS. Case No.-78 Year-2021 Thana- KAJRAILICHAK District- Bhagalpur

Amit Kumar @ Rama Sah @ Ramjee S/O Ashok Prasad Sah @ Ashok Prasad Sah Resident of village- Gulabibag Katghar Aliganj, P.S.- Babarganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-02-2023 Let the defects, 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.

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

Petitioner seeks regular bail in connection with Kajraili P.S. Case No. 78 of 2021 registered for the offence punishable under Section 392 of the Indian Penal Code.

Allegedly, the informant who was carrying Rs. 1,23,000/- (One lakh twenty three thousand) was stopped by two persons who came on Apache motorcycle and on gunpoint they snatched his bag containing Rs. 1,23,000/-, Bank HHD sat of Rs. 21,840/-

and other relevant documents and also the key of his motorcycle and fled away.

The main submissions advanced by learned counsel for the petitioner are that as per the prosecution, informant claimed to have identified the petitioner on seeing the CCTV footage of the relevant time of the commission of the alleged occurrence and the same was made the main ground by the Court below while rejecting the prayer for bail of the petitioner but firstly, the said evidence is not proper and admissible and secondly, after the said identification, the petitioner was not put on *Test Identification Parade* and as per the prosecution the police failed to recover any of the looted articles or money from the possession of the petitioner even after the informant had claimed to have identified the petitioner and the investigation has been completed against the petitioner. Further submission is that against the petitioner there is a criminal antecedent of one case in which he is on bail and he has been languishing in jail since 03.12.2021.

Learned APP has opposed the bail prayer.

In view of the facts, as stated above and considering the custody period of the petitioner, this Court is inclined to accept his prayer for bail. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten

Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Kajraili P.S. Case No. 78 of 2021.

(Shailendra Singh, J)

Shahnawaz/-

U		T	
---	--	---	--