

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58839 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- GHOGHARDIHA District- Madhubani

Anil Yadav S/o Chandrika Yadav R/o Village- Naya Tola Jurabganj, Gerab-
bari, P.S.- Kodha, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nitya Nand Neeraj, Advocate
For the Opposite Party/s	:	Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-02-2023 Heard learned counsel appearing on behalf of the pe-
titioner, learned counsel appearing on behalf of the State and
learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Ghoghardiha P.S. Case No. 42/2022 registered for the offence
under Section 392/411 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.05.2022.

The allegation against the petitioner is to commit rob-
bery and while committing so taken away cash of Rs. 45,000/-
belongs to informant, which was immediately withdrawn from
the Allahabad Bank of Ghoghardiha Branch, District- Mad-



hubani.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner appears in this case on the basis of disclosure, after identifying from the CCTV footage installed in the bank premises. It is submitted that the recovered amount of Rs. 4000/- from the possession of petitioner is without any details and denominations and in want of the same it cannot be connected with looted money or to be said the part of the looted money. It is further submitted that identification of petitioner is not as per settled procedure adopted for TIP and moreover, charge sheet has been submitted in this case without obtaining mandatory certificate under Section 65B of the Indian Evidence Act, particularly, when entire implication is based upon the electronic evidence. While concluding the argument, it is submitted that subsequent to this case, petitioner also found involved in three more cases, which was registered against unknown persons.

Learned APP, while opposing the prayer of bail submitted that petitioner was identified by informant from CCTV footage.

Considering the facts and circumstances as mentioned above and by taking note of the fact as charge-sheet has been



submitted without obtaining mandatory certificate under Section 65B of the Indian Evidence Act, where entire implication is based upon the electronic evidence, coupled with fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Ghoghardiha P.S. Case No. 42/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Jhan-jharpur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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