

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67649 of 2022

Arising Out of PS. Case No.-358 Year-2019 Thana- BHAGWAN BAZAR District- Saran

DEEPAK RAY, Son of Anil Ray, Resident of Village- Doriganj Chirand, P.S.-
Doriganj, District- Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Bhagwan
Bazar Police Station Case No. 358/2019 (Trial No. 2860 of
2021) registered for the offence under Section 392 of the Indian
Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 04.08.2019.

The allegation against the petitioner is to commit
robbery alongwith other co-accused persons and while
committing so taken away cash of Rs. 26,960/- belongs to
informant.



Learned counsel appearing on behalf of the petitioner submitted that alleged identification of petitioner from CCTV footage was made on the basis of undisclosed neighbour of one co-accused Chandan Kumar, which in itself suggest the basis of false implication. It is submitted that if the version of prosecution is taken into consideration, then entire implication appears to be based upon electronic evidence and certainly a certificate which is mandatory is required to be obtained under Section 65B of Indian Evidence Act. It is also submitted that co-accused, namely, Chandan Kumar having similar allegation has already been granted bail by one of the learned co-ordinate Bench of this Court vide order dated 29.05.2020 passed in Cr. Misc. No. 5129 of 2020. It is submitted that no incriminating material recovered from the possession of this petitioner to connect with present occurrence and he was also not put on TIP as yet. While concluding the argument, it is submitted that petitioner found involved in eight criminal cases, out of which he has already been acquitted in two cases, and rest of those cases, he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail



submitted that petitioner was identified from CCTV footage installed near the place of occurrence.

Considering the facts and circumstances as mentioned above and by taking note of the fact as no incriminating material recovered from the possession of this petitioner to connect with present occurrence of robbery, 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 Bhagwan Bazar Police Station Case No. 358/2019 (Trial No. 2860 of 2021) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra/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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