

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32708 of 2024

Arising Out of PS. Case No.-655 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Manish Kumar Meghnath @ Manish Kumar @ Meghnath, S/o- Ramchandra Ray, Resident of Village- Makundpur, PS- Patory, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2024 Heard Mr. Pramod Kumar Singh, learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Patory P.S. Case No. 655 of 2023 registered for the offence punishable under Section 394 of the Indian Penal Code.

3. Allegedly on the date of occurrence three miscreants armed with pistol entered in the C.S.P. Bank of the informant and looted Rs.5,04,937/- from the cash counter of the bank on gun point.

4. Learned Advocate for the petitioner contended that the F.I.R. has been instituted against three unknown miscreants. However, later on, during the course of investigation, the witnesses have disclosed that they identified the petitioner and



others, as the miscreants, who committed offence. However, this is the fact that neither the CCTV footage has been produced before the Court nor the petitioner has been put on Test Identification Parade. Thus, the very identification of the petitioner is not reliable. It is next contended that nothing incriminating, much less, the looted amount has been recovered from the possession of the petitioner. Moreover, only on account of the criminal antecedent of the petitioner, his name has been implicated in this case. It is also contended that the name of the petitioner has been surfaced on the confessional statement of co-accused, however, the same is hit by Section 25 of the Indian Evidence Act. It is lastly contended that the petitioner is in custody since 05.12.2023 and the investigation of the crime is complete and charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and referring to some of the paragraphs of the case diary has stated that the petitioner was identified by the employees of the Bank on the basis of CCTV footage. The petitioner was a local residents and, as such, the identification of the petitioner can not be doubted. It is also contended that the petitioner bears six criminal antecedent over his head and, as such, he is a habitual offender.



6. Regard being had to the submissions made on behalf of the parties and considering the nature of the crime and the identification of the petitioner on the basis of CCTV footage by the employees of the Bank as well as the criminal antecedent, as narrated in paragraph 3 of the petition, this Court is not persuaded to enlarge the petitioner on bail.

7. Accordingly, the prayer for grant of bail to the petitioner is rejected.

(Harish Kumar, J)

uday/-

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

