

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1746 of 2024

Arising Out of PS. Case No.-55 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Neeraj Kumar @ Neeraj Mahto @ Neeraj Kumar Mahton Son of Ram Pukar
Mahto Resident of village- Chandaaur, P.S.- Bhagwanpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Advocate
For the Opposite Party/s : Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-03-2024 Heard Mr. Raj Kishore Prasad, learned counsel
appearing on behalf of the petitioner and Mr. Iftekhar
Mahmood, learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Cheriya Bariyarpur P.S. Case No. 55 of 2021
giving rise to Sessions Trial No.382 of 2021, registered for the
offences punishable under Sections 395 and 397 of the Indian
Penal Code.

3. This is the second attempt made on behalf of the
petitioner, as earlier the prayer for bail of the petitioner was
negatived by this Court in Criminal Miscellaneous No.67317 of
2021 vide order dated 19.09.2022, after taking into
consideration the materials available on record, especially the



recovery of alleged Apache Motorcycle from the house of the petitioner, used for the purpose of committing the crime and his identification in the CCTV footage, apart from Test Identification Parade, in which he was identified by both the witnesses.

4. It is submitted on behalf of the petitioner that the entire case is based on suspicion and so far the alleged recovery of Apache Motorcycle, clothes and helmet are concerned, it is the fact that these materials were not put on Test Identification Parade. Moreover, the accused persons having identical allegations, have been allowed the privilege of bail by this Court, the copy of the orders have been brought on record by way of Annexures-3 and 4. It is lastly submitted that be that as it may, the petitioner has been incarcerated since 29.03.2021 and till date, out of six charge-sheet witnesses, only one witness has been examined and there is no likelihood of the conclusion of the trial in near future.

5. On the other hand, learned counsel for the State, vehemently opposed the bail application and submitted that the petitioner is said to be the leader of the gang whose involvement is found in a Bank dacoity, that apart there is cogent materials showing the complicity of the petitioner and moreover there is



no cogent and overwhelming circumstances for reconsideration of the earlier order on merit. He also submitted that apart from the aforesaid fact, the petitioner is carrying four criminal antecedents over his head.

6. Regard being had to the submissions made on behalf of the parties and considering the cogent materials collected during the course of investigation and his identification in the CCTV footage and the TIP, this Court is not persuaded to reconsider the prayer for bail of the petitioner for the present. Accordingly, his prayer is rejected.

7. However, taking note of the fact that the petitioner has been incarcerated since 29.03.2021, this Court expects that the learned Trial Court will take all efforts to conclude the trial as early as possible.

8. If the trial is not concluded within six months, the petitioner shall be at liberty to renew his prayer for bail.

(Harish Kumar, J)

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