

(2020) 11 PAT CK 0002

Patna High Court

Case No: Criminal Miscellaneous No. 19885 Of 2020

Anand Yadav

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Nov. 2, 2020**Acts Referred:**

- Indian Penal Code, 1860 - Section 392

Hon'ble Judges: Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Diwakar Upadhyaya, Navin Kumar Pandey**Final Decision:** Dismissed

Judgement

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.
2. Heard Mr. Diwakar Upadhyaya, learned counsel for the petitioner and Mr. Navin Kumar Pandey, learned Additional Public Prosecutor (hereinafter referred to as the "APP"™) for the State.
3. The petitioner is in custody in connection with Mojahidpur PS Case No. 41 of 2019 dated 21.02.2019, instituted under Section 392 of the Indian Penal Code.
4. The allegation against the petitioner and another person is of looting Rs. 4,70,000/-, from the office of Udaan Express Courier service of which the informant was in-charge, at gun point.
5. Learned counsel for the petitioner submitted that only on suspicion, the petitioner has been arrested without there being any cogent evidence to

connect him to the crime. It was submitted that besides there being no Test Identification Parade, the other co-accused has been granted bail. It was further submitted that the petitioner is in custody since 23.07.2019.

6. Learned APP, from the case diary, submitted that witnesses have stated with regard to the accused persons coming on a motorcycle at the relevant time and place of occurrence and most importantly, in the CCTV footage, the informant and two other persons have identified the accused, which does not leave any doubt about their complicity and due to which also there was no occasion to conduct any Test Identification Parade. It was submitted that the petitioner is accused in five other cases under serious sections right from the year 2016 and, thus, clearly he is a habitual offender.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands dismissed.

9. In view of the explanation in the affidavit filed by the Senior Superintendent of Police, Bhagalpur, in light of the earlier order of the Court, the same is accepted and the issue stands consigned.