

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49393 of 2014

Arising Out of PS.Case No. -43 Year- 2013 Thana -JANDAHA District- VAISHALI(HAJIPUR)

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Birendra Sharma , son of Late Rajendra Sharma, resident of village- Balua
Basant, P.S. Lalganj, District- Vaishali

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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2 03-03-2015 Heard learned counsel for the petitioner and learned
Addl. Public Prosecutor.

The petitioner, who is in custody in Jandaha P.S. Case
No.43 of 2013 registered for the offence under Sections 395 and
412 of the Indian Penal Code, has prayed for grant of bail.

It was a case of bank dacoity , in which after the
occurrence, accused persons were chased by the villagers and
during chase, two accused persons were apprehended, who were
brutally assaulted by the villagers. Two accused persons disclosed
the names of petitioner and others and, as such, the petitioner's
involvement has come in the present case.

Learned counsel for the petitioner submits that one of
the co-accused ,on similar footing , namely, Suraj Kumar Sahni
has been granted bail by this Court on 01.09.2014 vide

Cr.Misc.No.25713 of 2014. It has been argued that keeping in view the fact that similarly situated persons has been granted bail, the petitioner is also entitled for grant of bail.

On perusal of the record, it appears that besides this the petitioner is accused in other cases, namely, Desari (Chandpur O.P.) P.S. Case No.161 of 2013 registered for the offence under Section 399/402 of the Indian Penal Code and Sections 25, 26 and 35 of the Arms Act. He is also accused in Lalganj P.S. Case No.8 of 2013 registered for the offence under Section 392 of the Indian Penal Code, Lalganj P.S. Case No.132 of 2013 registered for the offence under Sections 399/402 of the Indian Penal Code and Sections 25, 26, 35 of the Arms Act and Lalganj P.S. Case No.67 of 2013 registered for the offence under Section 392 of the Indian Penal Code.

Keeping in view the fact that the petitioner is accused in number of cases as well as the fact that it was a case of bank robbery, I do not find any ground for extending the privilege of bail to the petitioner. It appears that bail petition of one another accused, namely, Sukil Kumar Sahni was rejected by this Court vide Cr.Misc.No.35844 on 14.11.2013, which has been noticed by learned Sessions Judge in its order dated 20.11.2014(impugned order).

Keeping in view the facts and circumstances, the petitioner’s case may not be equated with co-accused, who has been extended the privilege of bail. The prayer for bail of the petitioner, namely, Birendra Sharma stands rejected.

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(Rakesh Kumar, J)