

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36995 of 2014

Arising Out of PS.Case No. -261 Year- 2012 Thana -PHULWARI District- PATNA

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Akbar Ali @ Mantu @ Manta Son of Md. Ashraf Ali Resident of Mohalla -
Khan Mirza, P.S. - Sultanganj, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bikramdeo Singh, Adv.
Mr. Jay Kumar, Adv.

For the Opposite Party/s : Smt. Sharda Kumari (APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 08-07-2015

Heard learned counsel for the parties.

Having regard to the fact that the bail of the petitioner was earlier granted by order dated 1.10.2013 in Cr. Misc. No. 21602 of 2013 on a submission made by the counsel that the petitioner has got no criminal antecedent and when this fact was verified by the court below, it was found that there were at least five other criminal cases pending against the petitioner, the petitioner will not be entitled for grant of bail in terms of the order dated 1.10.2013.

Counsel now submits that such counsel who had made such submission is no longer alive and, therefore, when there was no averment made for the same, the petitioner cannot be bound by such submission made by his counsel.

Such submission on behalf of the present counsel has to be noted for its being rejected. The fact that such a representation in course of submission made by the then learned counsel for the petitioner as recorded in the order dated 9.10.2013 that the petitioner had no criminal antecedent is not and cannot be disputed and, therefore, it does not lie in the mouth of a present counsel to doubt the version of the earlier counsel on his mere dicit.

Be that as it may, it is a question of grant of bail which was based on discretion of this Court primarily based on the fact that the petitioner has got no criminal antecedent. Once this Court, therefore, finds that the petitioner has proven track of criminal antecedent inasmuch as he is accused in four cases relating to offence under Section 302 I.P.C. and one more under Section 307 I.P.C., he would not be entitled for privilege of bail.

Accordingly, the prayer for bail of the petitioner, namely, Akbar Ali @ Mantu @ Manta is hereby rejected.

The trial court, however, is directed to expedite the trial of the petitioner.

(Mihir Kumar Jha, J)

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