

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31883 of 2016

Arising Out of PS.Case No. -43 Year- 2016 Thana -BUXAR INDUSTRIAL District- BUXAR

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Sanjeev Mishra, son of Yogendra Mishra, resident of village- Harnichatti,
P.S.- Koransarai, District-Buxar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Manish Rai Sharma

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 16-08-2016

Heard Sri (Dr.) Amrendra Kumar, learned counsel,

who was assisted by Sri Manish Rai Sharma, learned counsel for
the petitioner and Sri Uma Nath Mishra, learned Addl. Public
Prosecutor.

The sole petitioner, who is in custody since
03.04.2016 in connection with Buxar (I) P.S. Case No.43 of 2016
registered for the offence under Sections 399, 402, 420, 467, 468,
272, 273 of the Indian Penal Code, Section 25(1b) A, 26, 35 of the
Arms Act and Section 47(A) of the Excise Act, has prayed for
grant of bail.

It was submitted by learned counsel for the
petitioner that from the possession of the petitioner, only one
cartridge was recovered whereas one another accused, namely,

Ajit Kumar Mishra, from whose possession also one cartridge was recovered, has already been granted bail by this Court vide Cr.Misc.No.29725 of 2016. On the ground that other accused having similar accusation has been granted bail, a prayer has been for grant of bail to the petitioner.

Learned Addl. Public Prosecutor, by way of referring to the fact disclosed in paragraph-3 of the petition, submits that the petitioner is a habitual offender and he is accused in number of serious offences. Learned counsel for the petitioner tried to persuade the Court that after the petitioner was taken in custody in the present case, he was made accused in other cases. He submits that earlier in two cases, the petitioner has already been acquitted and three cases were registered after the present case was lodged.

Besides hearing learned counsel for the parties, I have also perused the materials on record. In view of statement made in paragraph-3 of the petition, the Court is satisfied that the petitioner is habitual offender and, as such, he may be granted bail, even on the ground of similar accusation.

The petition stands dismissed.

(Rakesh Kumar, J)

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