

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40625 of 2016

Arising Out of PS.Case No. -167 Year- 2015 Thana -PHULPARAS District- MADHUBANI

Lakhan Sah S/o Late Fakira Sah, resident of Village + P.S. - Phulparas,
District - Madhubani.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 04-10-2016 Heard Sri Ratnakar Jha, learned counsel for the
petitioner and Sri Bisheshwar Ram, learned Addl. Public
Prosecutor.

The sole petitioner, who is in custody in Phulparas
P.S. Case No.167/15 , G.R. No.862/15 registered for the offence
under Sections 147, 148, 149, 323, 324, 307, 384, 379, 504 of the
Indian Penal Code, has prayed for grant of bail.

It was submitted by learned counsel for the
petitioner that the petitioner is lying in jail since 04.09.2015. He
submits that there was case and counter case in between the
parties. He further submits that though the injury as alleged by the
informant was caused by sword on his neck, but the same was
found simple in nature.

Learned Addl. Public Prosecutor, opposing the prayer for bail of the petitioner, submits that the petitioner is a habitual offender and in this case, when the police tried to apprehend the petitioner, the police party was also attacked, in which a separate case vide Phulaparas P.S. Case No. 251/2015 was registered.

Besides hearing learned counsel for the parties, I have perused the material on record, particularly the impugned order, whereby the prayer for bail of the petitioner was rejected. The order indicates that the petitioner is convict in Sessions Trial No.506/2006. In such situation, where the petitioner is a convict and even thereafter, he has committed second offence, certainly he is not entitled to be released on bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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