

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20292 of 2018

Arising Out of PS.Case No. -151 Year- 2017 Thana -SHERGHATI District- GAYA

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1. Bijali Paswan S/o Late Rajendra Paswan, R/o Village- Kamaldah, P.S.-
Paraiya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-05-2018 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection with

Sherghati PS case no. 151 of 2017 instituted for the offences

punishable under Sections 399, 402 of Indian Penal Code and

25(1-B)a/26/35 of Arms Act.

The case of the prosecution in short is that on

22.03.2017 at about 7.30 pm, the S.H.O. of Sherghati PS received

a confidential information that some miscreants had assembled

near the Eastern side of the Chitab bridge for the purposes of

committing robbery. Thereafter, a raiding party was organized and

the said S.H.O. along with other police personnel reached near the

said bridge and found that 10-12 armed miscreants had assembled



there. Among them, three miscreants were arrested from the spot, however the rest of them fled away. The said miscreants disclosed their names as Chitranjan Paswan, Ramlakhan Paswan and Badri Paswan. The said arrested persons had also disclosed the names of the other accused persons who had fled away from there.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case, inasmuch as neither the petitioner was caught on the spot nor anything has been recovered from his possession.

I have heard the learned counsel for the parties and perused the materials on record. Though, it is true that the name of the petitioner has transpired during the course of the confessional statement made by the co-accused persons, however from perusal of the case diary, it is apparent that the witnesses have supported the case of the prosecution and the complicity of the petitioner is writ large. Paragraph no. 52 of the case diary shows that the petitioner is an accused in several cases as is also apparent from paragraph no. 3 of the petition, wherein the petitioner has been shown to be accused in as many as 09 cases.

It is apparent from the records that the petitioner is a habitual offender. It is a trite law that criminal antecedent of an



accused is an important factor to be considered for the purposes of grant of bail, inasmuch as the concern of the society has to be kept in mind in juxtaposition of individual liberty. In this regard, it would be useful to cite a judgment reported in **(2012) 9 SCC 446 (Ash Mohammad v. Shiv Raj Singh & anr.)**

For the reasons mentioned hereinabove as also the fact that the petitioner herein is a history sheeter, I do not find the present case to be a fit case, in which the petitioner should be granted bail.

Hence, the petition is dismissed.

(Mohit Kumar Shah, J)

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