

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21593 of 2018

Arising Out of PS.Case No. -146 Year- 2015 Thana -BHAGWANPUR District- BEGUSARAI

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Lutan Chaudhary S/o Late Ganpat Chaudhary, R/o Vill.- Dadpur, P.S.-
Bhagwanpur, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Sri Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-07-2018

Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection with
Bhagwanpur (Tiyai) PS case no. 146 of 2015 instituted for the
offences punishable under Sections 302/34 of Indian Penal Code
and Section 27 of Arms Act.

The allegation is regarding unknown accused
persons having killed the son of the informant.

The learned counsel for the petitioner has
submitted that the petitioner was in custody when the occurrence
had taken place, hence the petitioner cannot be saddled with the
liability of the alleged crime. The petitioner is said to be
languishing in custody since 27.10.2017.



I have heard the learned counsel for the petitioner and perused the case diary. From the case diary, it appears that the complicity of the petitioner in the present case is writ large. Even charge sheet has been filed in the present case and moreover, the petitioner is a veteran criminal, inasmuch as six cases of heinous nature are pending against the petitioner though in three cases, he has been acquitted. In such view of the matter, this Court finds that it would not be in the interest of society to release such a veteran criminal. Reference in this regard be had to the judgment rendered by the Hon'ble Apex Court in the case of *Ash Mohammad v. Shiv Raj Singh @ Lalla Babu & Anr.* reported in (2012) 9 SCC 446.

Having regard to the facts and circumstances of the case, I do find any merit in the present petition, hence the same is rejected.

(Mohit Kumar Shah, J)

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