

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20461 of 2018

Arising Out of PS.Case No. -35 Year- 2018 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Md. Shajid @ Lambu S/o Late Md. Chand, R/o Village- Majhauria, P.S.-
Sadar, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad
Mr. Raju Kumar Goswami

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 28-06-2018

Heard.

The petitioner seeks regular bail in connection with
Sadar P.S. Case No. 35 of 2018 for the offences punishable under
Sections 399 and 402 of the Indian Penal Code read with Section
25(1-b)a, 26 & 35 of Arms Act.

The allegation is regarding the police having
conducted raid and found that several persons were preparing for
committing dacoity, whereafter search was made and from the
possession of the petitioner, one country made pistol and live
cartridge were recovered.

The learned counsel for the petitioner submits that
the petitioner is innocent and is languishing in custody since



22.01.2018.

I have perused the material on records and case diary and I find that there are ample materials against the petitioner so as to proceed against him. It is apparent from paragraph no. 3 of the petition that the petitioner is accused in six other cases. On the ground of criminal history of the petitioner, this Court finds that the petitioner does not deserve to be enlarged on bail, since in the present case, social concern deserves to be given priority over lifting the restriction on liberty of the accused. In this regard, reference be had to a judgment of the Hon'ble Apex Court, reported in *2012(9) SCC 446 (Ash Mohammad Vs. Shiv Raj Singh and another)*.

Having regard to the facts and circumstances of the case, there is no merit in the present petition. It is accordingly, dismissed.

(Mohit Kumar Shah, J)

BTiwary/-Md Rashid

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