

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20866 of 2018

Arising Out of PS.Case No. -65 Year- 2017 Thana -BACHWARA District- BEGUSARAI

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Monu Kumar @ Shiv Nath S/o Dev Narayan Kuwar, R/o Village- Bharoi,
P.S.- Bachhwara, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-05-2018 Heard learned counsel for the petitioner and learned A.P.P. for
the State.

The S.H.O. of Bachhwara Police Station got secret information that Vijay Ishwar, Kanhaiya Ram and the petitioner herein had assembled at the house of the co-accused Kanhaiya Ram and were planning to commit murder of some person, whereafter the said S.H.O. along with several Police personnel reached at the house of Kanhaiya Ram and on seeing the Police force, the petitioner and the other co-accused persons started fleeing away and the petitioner managed to flee away leaving the motorcycle in a ditch but one of his associate namely Prashant Kumar Sandilya was caught and on search a country made pistol loaded with three live cartridges was recovered.

The learned counsel for the petitioner has submitted that neither the petitioner was arrested on the spot nor any incriminating articles have been recovered from his possession, hence the present case is a fit case for grant of bail.

The learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that there are ample material in the



case diary to connect the petitioner with the alleged occurrence.

From perusal of the FIR itself, it is apparent that the petitioner herein is the kingpin. It is also apparent from paragraph no. 3 of the present petition as also from the impugned order dated 21.12.2017 that the petitioner is an accused in several cases and, therefore, he appears to be a habitual offender, hence in the present context the period of custody of the petitioner is of no significance more so for the reason that complicity of the petitioner in the alleged offence has neither been ruled out nor can be ruled out. It is a trite law, as propounded by the Hon'ble Apex Court in the judgment reported in **(2012) 9 SCC 446 (Ash Mohammad vs. Shiv Raj Singh @ Lalla Babu & Anr)** that the antecedent of an accused is also an important factor to be taken into consideration while granting or refusing bail to an accused person. In the present case the petitioner has a criminal history and a bad criminal antecedent, hence this Court is of the view that it would not be in the interest to grant bail to the petitioner at the moment, thus the present petition is dismissed.

(Mohit Kumar Shah, J)

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