

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18122 of 2019**

Arising Out of PS. Case No.-501 Year-2018 Thana- FORBESGANJ District- Araria

MD. IRSHAD Son of Md. Mustakim @ Mustakim @ Mustakin Resident of
Village - Rampur South, Ward No. 3, P.S.- Forbesganj, Distt - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Rajiv Nayan

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 02-04-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Forbesganj P.S. Case No. 501 of 2018 for the offences
punishable under Section 392 of the Indian Penal Code.

The case of the informant as per the FIR is that he is
the Manager of Rama Petrol Service. On 5.7.2018 at about 10
P.M. in the night, three persons had come there on the
motorcycle and got the petrol tank of the motorcycle filled,
whereafter two persons had entered into the office of the Petrol
pump with pistol in their hand and had taken a sum of Rs.
2,85,540/- as well as had taken away the mobile and cash of Rs.
20,000/- from the staff of the said petrol pump.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in the present case. It is further submitted that there is no evidence whatsoever to connect the petitioner with the alleged crime and the petitioner is languishing in custody since 26.10.2018.

I have perused the materials on record as also the impugned order dated 9.1.2019 passed by the learned Sessions Judge, Araria wherein it has been recorded that the looted cash amount was recovered from the house of the petitioner herein and the petitioner and other co-accused persons have been identified in CCTV footage, which depicts a clear complicity of the petitioner in the alleged crime. Moreover, I find that the petitioner is a veteran criminal and he is an accused in not only one case but as well six cases which have been lodged under almost same and similar provision of the I.P.C. In this regard reference be had to a judgment reported in (2012)9 SCC 446 (Ash Mohammad Vs. Shiv Raj Singh) wherein the Hon'ble Appex Court has held that criminal antecedents of an accused are also to be weighed in the scale of collective cry and desire. The societal concern kept in view in juxtaposition of individual liberty and further social concern deserves to be given priority over lifting the restriction on liberty of the accused in such cases.



For the reasons mentioned herein above I do not find that the petitioner deserves to be admitted to the privilege of regular bail, hence the prayer of the petitioner for grant of regular bail is rejected.

(Mohit Kumar Shah, J)

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