

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20136 of 2019

Arising Out of PS. Case No.-54 Year-2017 Thana- POTHIIYA District- Kishanganj

JAMRUL Son of Sukuruddin, Resident of Village-Nimlagaon, P.S.-Pothiya
Taiyabpur, District-Kishanganj.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha

For the Opposite Party/s : Mr.Md. Ataur Rahman

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 02-04-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Pothiya P.S. Case No. 54 of 2017 for the offence under Sections
379 and 414/34 of the Indian Penal Code and Sections 25(10B)
(a), 26 and 35 of the Arms Act.

On perusal of the First Information Report, it can be
easily noticed that there is allegation that the petitioner and
others are members of a gang involved in theft of electrical
wires. Petitioner's name has surfaced on the basis of
confessional statement of co-accused, who were apprehended by
the police while attempting to flee away with stolen articles,
loaded in a truck.

Learned counsel appearing on behalf of the petitioner
has submitted that over and above the confessional statement of
co-accused, there is no material against him for his implication



in the criminal case. He has also submitted that similarly circumstanced co-accused persons have been granted anticipatory bail by this Court by order dated 23.07.2018 passed in Cr. Misc. No. 36126 of 2018 and dated 31.10.2018 passed in Cr. Misc. No. 59742 of 2018.

It is, however, stated in paragraph 3 of this application that the petitioner is accused in two other cases registered in 2017, disclosing offence punishable under Section 379 of the ipc.

Learned counsel appearing on behalf of the petitioner has submitted that he has been granted anticipatory bail in both the cases, i.e. Thakurganj P.S. Case No. 28 of 2017 and Thakurganj P.S. Case No. 5 of 2017.

After having noticed that petitioner has criminal antecedent, I am not inclined to grant him privilege of anticipatory bail in view of the nature of materials indicated in the First Information Report.

The orders of this Court, whereby anticipatory bail has been granted to other co-accused persons, does not indicate about criminal antecedent of the petitioners of that case.

Criminal antecedent of an accused is a relevant consideration for decision on an application for anticipatory bail



as mentioned in Section 438 of the Cr.P.C.

This application is accordingly dismissed.

The petitioner is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

Pawan/-

U		T	
---	--	---	--

