

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53878 of 2019

Arising Out of PS. Case No.-613 Year-2018 Thana- PHULWARISHARIF District- Patna

MD. NEHAL @ NEHAL Son of Md. Kallu @ Kallu Resident of Village -
Murgiya, Tola Ishopur, P.S.- Phulwarisharif, Distt - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-09-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The present petition is a second attempt on behalf of the petitioner for grant of regular bail in connection with Phulwarisharif P.S. Case No. 613 of 2018 under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act inasmuch as the prayer of the petitioner for grant of regular bail was rejected earlier by an order dated 27.2.2019 passed in Criminal Miscellaneous No. 10930 of 2019.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and as far as the pending 11 other criminal cases are concerned, he has been equally falsely implicated in the said cases by the police.



This Court is of the opinion that there has been no change in circumstance from the time the prayer of the petitioner for grant of regular was rejected vide order dated 27.2.2019 till date.

This Court finds that not only the complicity of the petitioner is writ large in the present case but illegal arms and cartridges were also recovered from the petitioner apart from recovery of unexplained huge amount of cash money. The petitioner is stated to be an accused in 14 other criminal cases, hence, has a very bad criminal antecedent, which alone is enough to disentitle the petitioner for grant of the privilege of regular bail. In this connection, reference be had to a judgment rendered by the Hon'ble Apex Court, reported in **(2012) 9 SCC 446 (Ash Mohammad vs. Shiv Raj Singh & Another)** wherein the Hon'ble Apex 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 has to be 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.

Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, I do not find any



reason to reconsider the prayer of the petitioner for grant of
regular bail, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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