

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75937 of 2019

Arising Out of PS. Case No.-173 Year-2019 Thana- AGAMKUAN District- Patna

1. Vicky Pandey @ Sanjay Pandey, Son of Ganesh Pandey, Resident of Village - Hathyakand Sarai, P.S.- Maner, Distt.- Patna., At present Gandhi Chowk, Gandhi Murti, Sudhitola Gali, P.S.- Pirbahore, Distt.- Patna (Renter of Vijay Kumar House).
2. Chhotu @ Prince ,Son of Sunil Prasad @ Sunil Kumar, Resident of Village - Chaudhary Tola Petrol Pump Azad lane, P.S.- Sultanganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh, Adv.
For the Opposite Party/s : Mr.Satyavrat Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners in the present case are seeking regular bail in connection with Agamkuan P.S. Case No.173 of 2019 registered for the offences punishable under Sections 393 and 397 of the Indian Penal Code.

Learned counsel for the petitioners submits that in the present case name of these petitioners have transpired in the confessional statement of co-accused Rahul Kumar, there is no other material so far as no T.I.P. has been conducted to identify these petitioners in the alleged occurrence. It is further submitted that the co-accused Rahul Kumar has been granted



privilege of regular bail by learned 1st A.D.J., Patna City in B.P. No.357 of 2018.

On the other hand, learned APP for the State submits that in fact the alleged occurrence in which the petitioners are presently seeking regular bail is in the series of three separate occurrences which took place at the same sequence of time. Three separate FIRs have been lodged and so far as this case is concerned, the name of the petitioners have transpired in the confessional statement of the co-accused as his accomplice who had gone to commit loot and dacoity in the jewelry shop at Bhutnath Road. It is further submitted that these petitioners are habitual offenders which would be evident from the statement made in paragraph 3 of this application which would disclose that the petitioner no.1 has got at least 11 cases on his head, all of serious offences and petitioner no.2 has got 15 cases and most of them are under Sections 302, 395 and 392 and various provisions of the Indian Penal Code and Arms Act. It is submitted that it is not known as to how and under what circumstances said Rahul Kumar has been granted bail by the learned court below, there is no statement that the said Rahul Kumar has also got same number of criminal antecedent. Learned APP, therefore, submits that to enlarge the petitioners



on bail at this stage would be a threat to the society at large as such their criminal antecedent be considered as a reason for rejection of bail application.

Considering the facts and circumstances of the case, the nature of the allegations and the fact that both the petitioners have got large number of cases of serious offences against them, this Court is of the opinion that at this stage enlargement of these petitioners on bail would not be in the interest of society and, therefore, right to life and liberty of the accused on the principle of Article 21 of the Constitution of India if considered vis-a-vis the constitutional rights of the citizens of the society at large, the prayer for regular bail of these petitioners deserves to be rejected. This Court, therefore, rejects their prayer for grant of regular bail.

So far as the submission of learned counsel for the petitioners that the co-accused has been granted regular bail by the court below is concerned, this Court is not aware as to whether he has also got criminal antecedent, however once this has been brought to the notice of this Court, this Court would direct the Senior Superintendent of Police, Patna to look into the matter and take appropriate steps if it is so desired in the better administration and implementation of criminal law justice.



One of the contentions which has been raised by learned counsel for the petitioners is that till date no T.I.P. has been conducted, this Court has recently noticed in one more case that such is the common contention in most of the cases of these nature. It is difficult to understand why the investigating officers are not paying attention to this aspect of the matter. Again in this case same contention has been raised, therefore, Senior Superintendent of Police, Patna is directed to look into this aspect of the matter and take appropriate steps in accordance with law.

This application is dismissed.

Let a copy of this order be also sent to the Director General of Police, Bihar, Patna to take review on this issue in all the cases in which this argument is likely to be taken. This direction is being issued in the interest of better administration of criminal law justice.

(Rajeev Ranjan Prasad, J)

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