

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10297 of 2020

Arising Out of PS. Case No.-392 Year-2017 Thana- BIHARSHARIF District- Nalanda

MD. SIRAJ @ MD. SERAJ Son of Md. Ismil Khan Resident of Village-
Chaipura, P.S.-Bihar, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeshwar Prasad Singh

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of **Bihar P.S. Case No. 392 of 2017**, disclosing the offences under Sections 399, 402, 414 of the Indian Penal Code, Sections 25(1-B)A, 26 and 35 of the Arms Act.

Based on a secret information that certain persons had gathered to commit dacoity, a raid was conducted by the Police. It is alleged that during the course of raid, one person namely, Md. Rayees was apprehended whereas others managed to flee away. The arrested co-accused disclosed names of other persons who had assembled there for committing the crime.

Learned counsel appearing on behalf of the petitioner



has submitted that except for the confessional statement, there is no material against him.

Learned Additional Public Prosecutor, on the other hand, has submitted that on the basis of confessional statement of the said apprehended co-accused, recovery of incriminating articles have been made from the house of the petitioner.

As disclosed in paragraph-3 of the application, following are the criminal antecedent against the petitioner:-

- (i) *Bihar P.S. Case No. 38/19 under Section 395 and 399 I.P.C.*
- (ii) *Bihar P.S. Case No. 41/19 under Section 25(1-B) A and 26 of the Arms Act.*
- (iii) *Laheri P.S. Case No. 297/17 under Section 397 and 402 of the Indian Penal Code.*
- (iv) *Hazaribag P.S. Case No. 125/17 under Section 25(1-B)a and 26 of the Arms Act.*
- (v) *Laheri P.S. Case No. 190/12 under Section 414 of the Indian Penal Code.*
- (vi) *Giriyak P.S. Case No. 236/18 under Section 379 of the Indian Penal Code.*
- (vii) *Bihar P.S. Case No. 253/15 under Section 379 of the Indian Penal Code.*
- (viii) *Bihar P.S. Case No. 182/15 under Section 399 and 402 of the Indian Penal Code.*

Considering the criminal antecedents of the petitioner, I am not inclined to grant regular bail to him.



This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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