

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27328 of 2020**

Arising Out of PS. Case No.-97 Year-2017 Thana- LAUKAHI District- Madhubani

Md. Izrail @ Md Izaroyal @ Ajjo Son of Late Birkha Mian @ Birkha Miya @
Virkha Miya Resident of Village - Majhari, P.S. - Nirmali, District - Supaul.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Report within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal learned APP for the State in absence of Mr. Raj Kishore Singh, APP.

The petitioner in the present case is seeking regular bail in connection with Laukahi P.S. Case No. 97 of 2017 registered for the offences punishable under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in this case in the confessional statement of co-accused Md. Ishmail. Learned counsel for the petitioner submits that another co-accused Umesh Mehta whose confessional statement was also recorded has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 76759 of



2018.

It is his submission that the said accused had also some criminal antecedent though learned counsel is unable to give the number of the cases in which the said co-accused is involved.

Learned APP for the State submits that this petitioner is involved in 22 cases including the present case and even as per his own statement learned counsel for the petitioner has submitted that the petitioner has got bail in 6 cases.

In fact in course of argument learned counsel for the petitioner has given the case numbers in which the petitioner has got bail recently and that shows that in the cases such as Andhramath P.S. Case No. 03/2010 under Section 395/412 IPC, Andhramath P.S. Case No. 10 of 2010 under Section 392 IPC, Laukahi P.S. Case No. 01 of 2014 under Section 302 IPC and several other cases the petitioner was absconding and is not on bail.

It is submitted that considering huge criminal antecedents of the petitioner the learned court below has rightly rejected the prayer for bail of the petitioner and his release at this stage would not allow the cases against him to proceed.

Having regard to the facts and circumstances of the case, wherein this Court has noticed from the materials on the record that the name of the petitioner has though come in the confessional statement of the co-accused but the same has to be seen in the light of the huge criminal antecedents of the petitioner. There are cases



pending against him since the year 2010 and the petitioner has gone in custody only since 25.11.2019 which shows that in fact he had not submitted himself to the jurisdiction of the Court in the cases lodged against him since the year 2010.

This Court, therefore, agrees with the submission of learned APP for the State that the release of this petitioner would not allow the cases pending against him to proceed as he is still being remanded in several cases in which he is accused and are awaiting appearance. This Court is not inclined to grant regular bail to the petitioner.

This application is, thus, dismissed.

Let the Superintendent of Police, Madhubani take appropriate steps to ensure that the prosecution cooperates with the trial in all the cases pending against the petitioner.

Learned C.J.M., Madhubani is directed to place a copy of this order in all the cases pending against the petitioner.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

