

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16879 of 2020

Arising Out of PS. Case No.-257 Year-2012 Thana- JOGAPATTI District- West Champaran

HARI YADAV S/o Late Singhasan Yadav Resident of Village-Chaumukha,
P.S.-Yogapatti, District-West Champaran. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 17-02-2021 Heard the learned counsel for the petitioner and Shri
Kumar Veerendra Narayan, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Yogapatti P.S. Case No. 257 of 2012 for the offence punishable
under Sections 302, 120B, 427, 379, 504/34 of the Indian Penal
Code.

The allegation is regarding the accused persons and the
petitioner having fired gun shots upon the brother of the
complainant resulting in his death.

The learned counsel for the petitioner has submitted that the
petitioner is languishing in custody since 20.12.2015. It is further
submitted that similarly situated co-accused persons have already
been granted bail by coordinate Benches of this Court.

Per contra, the learned A.P.P. for the State has vehemently
opposed the prayer for bail and has submitted that the petitioner
appears to be a veteran criminal inasmuch as he is an accused in



25 other criminal cases, hence it would not be in the interest of society at large to grant bail to the petitioner herein.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record, this Court finds that the petitioner is stated to be an accused in 25 other criminal cases, hence, has a very bad criminal antecedent, which alone is enough to disentitle the petitioner for grant of the privilege of 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 v. Shiv Raj Singh and 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. Consequently, this Court is of the view that it would not be in the interest of justice to grant bail to the petitioner herein, accordingly the present petition stands dismissed.

S.Sb/-

(Mohit Kumar Shah, J)

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