

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27080 of 2021**

Arising Out of PS. Case No.-81 Year-2020 Thana- SIDHWALIYA District- Gopalganj

=====

BABALU PRASAD S/O PRABHU PRASAD RESDIENT OF VILLAGE
LAKDI MADHOPUR, P.S-BASANTPUR (LAKDI NAVIGANJ O.P.),
DISTRICT-SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Adv

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-12-2021 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Petitioner who is in custody since 16.05.2020 seeks
bail in connection with Sidhwalia P.S. Case No. 81 of 2020
Corresponding Trial No. 09 of 2020 registered for offence
punishable under Sections 399, 402, 411, 412, 414, 332, 333,
307 of the Indian Penal Code, Sections 25(1-b)a/26/27/35 of the
Arms Act and Sections 8(c) 120(b)(ii)(B) of the N.D.P.S. Act.

Prosecution case in brief is that a raid was conducted
in the field of Larauli High School by the police officials on
receiving secret information that some miscreants have
assembled to loot the bank. One of the accused persons fired



upon the police and four accused persons were apprehended namely, Bablu Prasad (petitioner), Golu Kumar, Manish Patel and Udayan Kumar. Upon search of the petitioner (Bablu Prasad) one desi pistol having empty cartridge and one live cartridge were recovered from the pocket, one mobile set and one motorcycle from which 1.400 kg *Ganja* was recovered.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the possession of the petitioner but due to altercation with the police during the checking of the vehicle, petitioner has been implicated in this case and entire seizure was made at the police station. It is further submitted that one Golu Kumar from whose possession one loaded desi pistol, mobile phone and motorcycle were recovered has been enlarged on bail vide order dated 19.01.2020 passed in Cr. Misc. No. 32743 of 2020.

Learned counsel appearing on behalf of the State submits that the petitioner is named in the FIR and there is direct allegation that one empty cartridge, one live cartridge and a desi pistol were recovered from his possession. From perusal of statement made in paragraph no. 3 of the application, it appears that petitioner is a habitual offender and he has been made accused in several cases. Taking into consideration the



criminal history of the petitioner and prospect of likelihood of the involvement of petitioner in committing offence in future and there is also every likelihood of witnesses and evidences being tampered which will adversely affect the trial and there being direct involvement of the petitioner in the present case, it will not be appropriate to enlarge the petitioner to bail.

Having considered the material on record and taking into consideration the conduct of the petitioner as well as the criminal history of the petitioner as stated in paragraph No. 3 of the application it is admitted that the petitioner is a habitual offender against whom Basantpur P.S. Case No. 263 of 2017 under Section 413/414 I.P.C & 25(1-b)a/26/35 of the Arms Act, Goreakothi P.S. Case No. 188 of 2018 under Section 307/326 I.P.C & 27 of the Arms Act, Sidhwalia P.S. Case No. 83 of 2016 under Section 461/379 I.P.C, Gopalganj P.S. Case No. 133 of 2018 under Section 30(a) of Bihar Prohibition and Excise Act, Garkha P.S. Case No. 204 of 2017 under Section 461/379 I.P.C., Kateya P.S. Case No. 341 of 2019 under Section 392 I.P.C., Gopalpur P.S. Case No. 186 of 2019 under Section 392 I.P.C., Gopalpur P.S. Case No. 195 of 2019 under Section 392 I.P.C., Fulwaria P.S. Case No. 83 of 2016 under Section 47A/47B & 272/273/420 I.P.C., Basantpur P.S. Case No. 298 of 2019 under



Section 394 I.P.C., Basantpur P.S. Case No. 13 of 2020 under Section 392 I.P.C., Basantpur P.S. Case No. 120 of 2020 under Section 397 I.P.C., Basantpur P.S. Case No. 46 of 2020 under Section 304(B)/201/34 I.P.C are pending. The prospect of likelihood of involvement of the petitioner in committing crime in future and at the same time there is every likelihood of witnesses and evidences being tampered since the criminality of the petitioner which is not an ordinary circumstance and cannot be taken lightly that apart from factual situation there is direct involvement of the petitioner in supply of prohibited item (*ganja*) which was recovered and seized from his possession, this Court is not inclined to enlarge the petitioner on bail.

Accordingly, the present application is dismissed.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

