

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35860 of 2020

Arising Out of PS. Case No.-315 Year-2020 Thana- KAHALGAON District- Bhagalpur

MD. CHHOTU @ MD. AMAR @ AMAN @ AMANIYA Son of Md. Sumra
Resident of Village- Kajipura, Police Station- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-03-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kahalgaon (Ghogha) P.S. Case No. 315 of 2020 for the offence
registered under Section 395 of the Indian Penal Code.

The allegation is regarding the accused persons armed
with weapons having snatched the bag of the informant
containing a sum of Rs. 1,42,000/- apart from his mobile phone,
however, upon alarm being raised, two accused persons
including the petitioner herein were apprehended with the help
of the villagers.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 01.06.2020.



Per contra, the learned A.P.P. for the State Shri Akshay Lal Pandit has submitted that the petitioner was apprehended from the spot and upon him having disclosed about the place where the said snatched money had been kept, the looted money was recovered by the police. It is further submitted that the petitioner is an accused in nine other criminal cases, hence it would not be in the interest of justice to grant bail to the petitioner.

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 available on record, this Court finds that the petitioner is an accused in nine other criminal cases, hence, has a 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.

(Mohit Kumar Shah, J)

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