

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No. 39177 of 2020**

Arising Out of P.S. Case No.-19 Year-2019 Thana- Naubatpur District-Patna

Vikash Singh @ Vikash Kumar, S/o Nawal Kishore Sharma @ Nepali Sharma
@ Nepali Singh R/o Village-Aaropur, P.S.- Naubatpur, District-Patna
... Petitioner

Versus

The State of Bihar ...Respondent

Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Advocate
For the State : Dr. (Ms.) Indihar Kumar, APP

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

5 26-04-2021 Heard learned counsel for the petitioner and Ms. Dr.
Indihar Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Naubatpur P.S. Case No. 19 of 2019 registered for the offences punishable under Sections 384, 386, 387, 353 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the name of the petitioner has been brought in this case after the FIR was registered which itself was delayed by 8 days. It is his submission that the petitioner is in judicial custody in connection with this case since 14.08.2019 and the co-accused, namely, Bharat Singh, Santosh Singh @ Ashutosh Kumar and Alok Kumar have been granted bail by learned Co-ordinate Benches of this case. It is submitted that considering the period of custody of the petitioner which is about one year nine months and that similarly situated co-accused have been granted bail, this Court may release the petitioner on bail at this



stage.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that the name of the petitioner has transpired as one of the participants in the alleged occurrences in which 8-10 rounds of firing was done in order to threaten the Munshi of the agency who was carrying the work and then the rangdari of Rs.20 lakhs was demanded. It is pointed out that the petitioner has got huge criminal antecedents inasmuch as he has got at least 11 cases on his head and out of these 11 cases he is presently on bail in only 5 cases.

Learned APP submits that considering the criminal antecedents of the petitioner and the materials appearing from the case diary showing that the release of the petitioner may result in threatening the witnesses in course of trial, this Court may not grant the privilege of bail to this petitioner. It is submitted that the case of the petitioner is not similarly situated to that of the co-accused because they had not this much of criminal antecedents.

Having regard to the facts and circumstances of the case, considering the seriousness of the allegations and that the petitioner has got 11 criminal antecedents and most of them are of similar nature, this Court is not inclined to grant privilege of regular bail to the petitioner at this stage.

The submission of learned counsel for the petitioner that the case of the petitioner is similarly situated to the co-accused is



not acceptable to this Court because from the orders enclosed with the petition, it appears that the learned Co-ordinate Benches of this Court have taken note of the criminal antecedents of those co-accused who had not more than four cases on their heads and in all the four cases they were on bail.

The prayer for regular bail of the petitioner is, thus, refused at this stage.

If the trial remains unconcluded for no reason attributable to the petitioner within a period of nine months from today, he may renew his prayer for bail.

The application stands disposed of accordingly.

(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'.

