

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2106 of 2021**

Arising Out of PS. Case No.-93 Year-2020 Thana- KISHANGANJ District- Kishanganj

Shams Alam @ Shams Zafar @ Md Shams Zafar Son of Late Ans zafar @
Ahsanul Muzaffar Resident of Village - Pipal Tora Kutti, P.S.- Angarh,
District - Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwari, APP

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

4 02-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Damodar Prasad Tiwari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kishanganj P.S. Case No. 93 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the confessional statement of the co-accused and save and accept that there is no other material to connect him in the present case. As regards the criminal antecedents of twelve cases, it is stated that the petitioner is on



bail in those cases.

On the other hand, Mr. Damodar Prasad Tiwari, learned A.P.P. for the State has placed before this Court the materials collected in course of investigation. It is submitted that there is not only a confessional statement in which the petitioner has accepted his participation in the several occurrences, there are at least two independent witnesses in paragraph '41' and '42' of the case diary who have seen the petitioner fleeing away after the alleged occurrence and they have identified the petitioner as habitual offender. It is submitted that the petitioner is involving in commission of similar offences during the privilege of bail one after another and therefore his prayer for bail is fit to be rejected.

Having regard to the facts and circumstances of the case, considering that there are at least two independent witnesses who have identified the petitioner and then the petitioner's name has come as habitual offender and according to his own statement in paragraph '3' he is involved in at least twelve cases, all of them are of serious nature, this Court is not inclined to enlarge the petitioner on bail. Prayer for bail is thus refused.

Let the trial be expedited.

(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'.

