

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4862 of 2021**

Arising Out of PS. Case No.-97 Year-2019 Thana- MATIHANI District- Begusarai

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GOLU KUMAR SINGH @ GOLU KUMAR @ GOLU SINGH S/o Ram
Sharan Singh @ Pahalwan Resident of Vill.- Ramdiri Tola Mahaji, P.S.-
Matihani, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Nirmal Kumar

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 04-03-2021 Heard the learned counsel for the petitioner and

Sri Nirmal Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection
with Matihani PS case no. 97 of 2019 instituted for the offences
punishable under Sections 25(1-AA)/25(1-b) A, 26, 27, 35 of
Arms Act.

The case of the prosecution in brief is that the
police received a secret information to the effect that some
criminals were carrying arms and were wandering with the
intention of committing crime and when the police had reached
the alleged place of occurrence, the said criminals are alleged to
have fired on the police personnel, however subsequently, the
police force had surrounded the criminals as also had offered



them to surrender, whereupon the said criminals along with the petitioner, finding themselves to have been cordoned off, had surrendered and from the possession of the petitioner herein, arms were recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 20.06.2019.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that the petitioner is a veteran criminal, inasmuch as 16 cases are pending against him and in some cases, the petitioner is alleged to have committed heinous crime.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that the complicity of the petitioner in the alleged crime is writ large from the records and moreover, the petitioner is a veteran criminal and is having a bad antecedent. In this regard, reference be had to a judgment rendered by the Hon'ble Apex Court in a case reported in **(2012) 9 SCC 446 (Ash Mohammad vs. Shiv**



Raj Singh & Anr.), wherein the Hon’ble Apex Court has held that the 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. Accordingly, I do not find any merit in the instant petition, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

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