

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12137 of 2022

Arising Out of PS. Case No.-105 Year-2019 Thana- BARAUNI District- Begusarai

SAKALDEO NISHAD @ SAKALDEV NISHAD @ RAHUL NISHAD S/o
Late Hari Nishad @ Late Harilal Nishad Resident of Village- Kamruddinpur,
P.S.- Muffasil, District- Begusarai, at present Simaria Ghat Navki Bind Toli,
P.S.- Barauni, District- Begusarai.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate.
For the State : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 14-10-2022 This is second application for seeking bail in Crime
No.105 of 2019 registered with Police Station-Barauni (Chakia)
for the offences punishable under Sections 393, 353, 307/34 of
the Indian Penal Code and Sections 25(1-b) a, 26, 27, 28 and 35
of the Arms Act.

The earlier bail application was rejected vide order dated
27.08.2020 passed in Criminal Misc. No.22525 of 2020 by the
coordinate Bench of this Court with a direction to the learned
trial court to decide the trial within a period of six months with
further liberty to the accused to approach for bail if the trial is
not concluded within the prescribed period.

Heard the learned counsel appearing for the applicant. He
argued that no seizure list witness is there. No sanction was



obtained for prosecuting the accused under the Arms Act. It is further argued that the applicant is behind bars from 07.03.2019.

The learned A.P.P. opposed the application by contending that there are no changes in circumstances for entertaining this second application when the earlier application was rejected on merits.

I have considered the submissions so advanced and I have also perused the materials placed on record.

Averment made in the application itself goes to show that the applicant is having 13 criminal antecedents for the offences of like nature. The F.I.R. lodged by the Police Officer is to the effect that while doing patrolling duty, he received information that three armed robbers are indulging in armed robbery. Therefore, he reached on the spot of the incident. It is further reported in the F.I.R. that the robbers fired at the police. Ultimately, the police were successful in apprehending the applicant on the spot of the incident with a country made revolver.

Considering the way in which the crime in question is committed as well as the sentence prescribed for the alleged offence, despite the fact that the applicant is in custody from the year 2019, this Court is not inclined to entertain the bail



application. Hence, the application is rejected.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant.

(A. M. Badar, J)

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