

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53203 of 2022

Arising Out of PS. Case No.-141 Year-2020 Thana- BELDOUR District- Khagaria

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SHASHI BHOOSHAN KUMAR S/O GULAB YADAV Resident of village-
Sarauni Madhepura, P.S.- Basnahi, district- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh
For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-12-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 57 of 2021, arising out of Beldaur Police Station Case No. 141 of 2020, registered for the offences punishable under Sections 392/395/412 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that while the informant, along with one another person, was returning after collecting money from different centres, he was accosted by three miscreants, armed with pistol, who stopped them and on gun-point, looted the collected money to the tune of Rs. 1,20,995/-, two mobile phones, one TVS motorcycle etc.



Learned Counsel for the petitioner submits that the petitioner is not named in the First information Report and his name has transpired on the basis of confessional statements of co-accused persons, namely, Mithun Kumar and Anmol Kumar. He further submits that co-accused Mithun Kumar has been granted bail by a co-ordinate Bench of this Court, in Criminal Misc. No. 37586 of 2020, on the ground that the looted motorcycle has been recovered from an open field. He further submits that the petitioner is in custody since 18.05.2022.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner has criminal antecedent and co-accused Mithun Kumar has been granted bail by this Court on the basis of the fact that the looted motorcycle was recovered from an open field, of which the co-accused Mithun Kumar was not the owner and said co-accused Mithun Kumar was having no criminal antecedent; whereas, there are four criminal antecedents of the petitioner of similar nature of offence, I am not inclined to grant regular bail to the petitioner.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail



after six months from today, if the trial does not show any progress.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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