

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38934 of 2023

Arising Out of PS. Case No.-32 Year-2022 Thana- BARGAINIA District- Sitamarhi

Mayank Srivastava @ Babul @ Bablu Shashi Bhushan Srivastava @ Shashi
Bhushan Prasad Srivastava Resident Of Village- Dumarbanna Ward No.20,
Ps- Bairgania, Dist- Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-07-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Bairgania P.S. Case No. 32 of 2022 dated 03.02.2022 lodged
under Section 395 of the I.P.C.

4. As per the prosecution case, the F.I.R. has been
lodged against 20-30 unknown accused persons in which the
allegation against those persons are that 10-12 dacoits had
surrounded the main gate, broken the gate and entered into the
room and on gun point, they have broken the almirah by axes
thereafter, looted articles and cash of about Rs.40,00,000/-. The

details of looted articles are described in the F.I.R..

5.Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that vide Annexure-2 series, accused Anil Kumar, Jitendra Paswan, Arun Kumar and Birendra Paswan have been granted bail by the Co-ordinate Bench of this Court.

6.Counsel further submits that petitioner is in custody since 17.08.2022 and charge-sheet has already been filed in this case. Counsel submits that there are 6 criminal cases pending against the petitioner.

7. Learned counsel for the State opposes the prayer for bail and submits that at the time of granting bail, the criminal antecedent of the petitioner may be taken into consideration.

8. Counsel submits that he has annexed the bail order of other accused persons who have been granted bail by this Court. Upon perusal of the bail order, it transpires to this Court that accused, namely, Anil Kumar, having one criminal antecedent and Jitendra Paswan who has been remanded in this case from another accused, Arun Kumar having three criminal antecedent and Birendra Paswan having four criminal antecedent have been granted bail but against the present

petitioner, there are six criminal antecedent.

9.In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected due to the reason that the case of the present petitioner is different from other accused persons.

liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.

(Dr. Anshuman, J.)

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