

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51974 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- JANDAHA District- Vaishali

RAKESH KUMAR @ RAKESH MAHTO @ DABAL ZERO SON OF SITA
RAM MAHTO R/O VILLAGE- SHAHPUR PATORI HASANPUR SURAT,
P.S.- PATORI, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-02-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Jandaha PS case no. 159 of 2021 instituted for the offences punishable under Sections 392, 411 of the Indian Penal Code.

The allegation is regarding unknown miscreants having waylaid the informant on the alleged date and time of occurrence, whereupon they had snatched the motorcycle, mobile phone and a cash amount of Rs. 15,00/- as also some other articles from the informant.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in



the present case and is languishing in custody since 14.09.2021. The learned counsel for the petitioner has further submitted that only because the petitioner is accused in 13 other cases, he has been made accused in the present case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted by referring to the impugned order dated 27.06.2022 that the petitioner was arrested in connection with Jandaha PS case no. 167 of 2021 and therein, he had made his confessional statement, wherein he had stated that he along with other miscreants had chased one person riding a Hero Splendor motorcycle and had looted his motorcycle, mobile phone, A.T.M. card, cash amount of a sum of rs. 500/- and other articles, whereafter the looted motorcycle has been recovered by the police from the co-accused persons, hence, it is submitted that the complicity of the petitioner in the alleged occurrence is writ large from the records.

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, this Court finds that the complicity of the petitioner in the alleged occurrence is writ large from the



records apart from the fact that the petitioner appears to be a veteran criminal inasmuch as he is stated to be an accused in 13 other criminal cases, which in itself is enough to disentitle the petitioner to the privilege of bail, as such, I am not inclined to grant bail to the petitioner, hence, the present petition stands dismissed. Reference in this connection be had to a judgment rendered by the Hon’ble Apex Court in the case of *Ash Mohammad v. Shiv Raj Singh @ Lalla Babu & Anr.* reported in *(2012) 9 SCC 446*.

(Mohit Kumar Shah, J)

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