

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3814 of 2018**

Arising Out of PS. Case No.-183 Year-2016 Thana- BIDUPUR District- Vaishali

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Ajay Rai @ Ajay Kumar Roy S/o Shiv Shankar Rai, R/o Village- Phulbariya,  
P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Md. Ashlam Ansari, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      20-02-2018                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since  
20.03.2017 in connection with Bidupur P.S. Case No. 183 of  
2016 registered for the offence punishable under Section 394 of  
the Indian Penal Code.

The prosecution case, as lodged by the informant, is  
that while he was returning on his motorcycle, three miscreants,  
two having country made pistol, fired and snatched his  
motorcycle.

It has been submitted by the learned counsel for the  
petitioner that he is innocent, not named in the First Information  
Report and his name surfaced only on the confessional  
statement of co-accused Gautam Kumar before the police,



which has no evidentiary value in the eye of law. It is submitted that just because the petitioner has criminal antecedent, he has been made accused in the present case and considering the period of custody, a sympathetic consideration be given. It is submitted that charge-sheet has already been submitted.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as 11 cases are pending against him, out of which some are under serious sections of the Indian Penal Code and some are under similar sections.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIV, Vaishali in connection with Bidupur P.S. Case No. 183 of 2016, subject to the conditions that:

(1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.



(2) The petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(4) The petitioner will appear before the concerned police station in the first week of every month and failure to appear will entail cancellation of his bail bonds. The petitioner will be exempted from appearing on certificate of good conduct is granted by the officer-in-charge of the concerned police station.

**(Nilu Agrawal, J.)**

Arjun/-

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