

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61041 of 2019

Arising out of PS. Case No.-332 Year-2018 Thana- RUPASPUR District- Patna

VIDHAN RAI @ VIDHAN Son of Bijendra Rai @ Bicchu Rai @ Bicchu Lal
Resident of Village - Saguna Gandhi Murti, Khara Kuan, P.S.- Danapur,
District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Kant Kumar, Advocate

For the Opposite Party/s : Mr. S.D. Yadav, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 18-12-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 332 of 2018, dated 03.08.2018, registered at Police Station Rupaspur under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

Learned counsel for the petitioner submits that the co-accused stands granted bail by different co-ordinate Benches of this Court vide orders dated 01.07.2019, 26.08.2019, 19.06.2019, 10.04.2019, 03.04.2019, 04.06.2019, 17.06.2019



and 25.06.2019, passed in Cr. Misc. No. 38844 of 2019, Cr. Misc. No. 39590 of 2019, Cr. Misc. No. 36911 of 2019, Cr. Misc. No. 23006 of 2019, Cr. Misc. No. 20620 of 2019, Cr. Misc. No. 19938 of 2019, Cr. Misc. No. 21205 of 2019 and Cr. Misc. No. 17663 of 2019, titled as Naveen @ Neviya Vs. The State of Bihar, Ravindra Kumar @ Ravindra Singh Vs. The State of Bihar, Rishikesh @ Ganpat @ Rishi Vs. The State of Bihar, Shubham @ Shubham Kumar @ Chadha Vs. The State of Bihar, Dilip @ Pandey @ Dilip Pandey Vs. The State of Bihar, Sumit Kumar @ Sumit @ Raju Vs. The State of Bihar, Riyaz & Ors. Vs. The State of Bihar and Raushan @ Raushan Kumar Vs. The State of Bihar respectively. Petitioner's complicity is merely on the basis of suspicion.

The allegations have been seriously disputed by the petitioner. Prima facie also, it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence or intimidate any of the witnesses or destroy the evidence; is behind bars since 10.07.2019; no custodial interrogation is required and the



petitioner has fully cooperated in the investigation.

Learned Additional Public Prosecutor does not seriously oppose the application.

Prima facie, nothing is produced to highlight petitioner's direct involvement in the crime.

Thus, this Court is of the considered view that petitioner has made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioner, cannot be ruled out. Also, thus far save and except for naming the petitioner in the F.I.R., no evidence corroborative in nature stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioner in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, considering the entire attending facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II at Danapur, District- Patna in connection with Rupaspur P.S. Case No. 332 of 2018, on the following conditions:-



(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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