

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82502 of 2019

Arising Out of PS. Case No.-266 Year-2019 Thana- GAIGHAT District- Muzaffarpur

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VINAY KUMAR RAI @ VINAY RAY Son of Late Sukhara Rai Resident of
Village - Hanuman Nagar, P.S.- Gaighat (Benibad O.P.), District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Karn

For the Opposite Party/s : Mr.Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Gaighat P.S. Case No. 266/2019 registered under Sections 399, 402, 414 of the Indian Penal Code.

Learned counsel for the petitioner submits that the claim of the informant that the persons had assembled at the Bathan of this petitioner with an intention to plan some offence is not substantiated from the seizure list inasmuch as no incriminating articles have been recovered from the possession of the petitioner, however petitioner has no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case



wherein it is the submission of learned counsel for the petitioner that the claim of the informant that the persons had assembled at the Bathan of this petitioner with an intention to plan some offence is not substantiated from the seizure list inasmuch as no incriminating articles have been recovered, no arms and ammunition has been found in possession of any of the persons and further in paragraph '7' of the application the petitioner has explained that the two motorcycles which were found in the house of this petitioner belong to the son of this petitioner and both the motorcycles have been released by the learned court below in his favour as also that the four wheeler which has been seized by the police stands adjacent to the road and this petitioner has no concern with the same, in the nature of the facts and circumstances and the materials available on the record and the fact that petitioner has no criminal antecedent, let the above-named petitioner, in the event of his arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 15th, Muzaffarpur, in connection with Gaighat P.S. Case No. 266/2019, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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