

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23675 of 2020

Arising Out of PS. Case No.-790 Year-2019 Thana- BUXAR District- Buxar

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Raja Rajak @ Raja Kumar Rajak, Son of Govind Rajak, Resident of Mohalla-
Budhanpurwa, P.S.- Buxar, Distt- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Nil Kamal, Advocate

For the Opposite Party/s : Mr.Jai Narayan Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-10-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed by the Stamp Reporter within

three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Jai
Narayan Thakur, learned A.P.P. for the State.

Petitioner in the present case is seeking anticipatory

bail in connection with Buxar (Town) P.S. Case No. 790 of 2019

registered for the offences punishable under Sections 341, 448,

307 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that it is a

case of false implication. In his submission the manner of

occurrence as suggested in the F.I.R. is highly improbable.

Learned counsel further submits that two co-accused,

namely, Vishal Chouhan and Chhatu Chouhan who are



similarly situated have been granted privilege of anticipatory bail by two learned co-ordinate Benches of this Court in Cr. Misc. No. 7240 of 2020 and Cr. Misc. No. 9160 of 2020 respectively.

Learned counsel has further pointed out that while considering Cr. Misc. No. 9160 of 2020 the learned co-ordinate Bench has gone through the case diary and then observed that there being no injury report of the informant on the record, it creates a doubt about the genuineness of the alleged occurrence and on finding that petitioner of the said case having a clean antecedent the privilege of anticipatory bail has been extended.

It is submitted that the informant has narrated the entire story and if that is gone into, this Court will find that according to the informant who himself had 14 cases on his head, had suffered three bullet injuries on his body and then he was taken to Sadar Hospital, Buxar with the help of administration but it appears that the occurrence in question took place on 14.11.2019 whereas the informant has made this statement on 18.11.2019 before the Buxar Town Police Station Officer in Singh Medical and Surgical Centre Private Ltd., Maldahiya, Varanasi, Uttar Pradesh where he was brought by his family members as stated in the F.I.R. Thus, the submission is that it is not possible that the administration will



not lodge F.I.R. if such occurrence had taken place on 14.11.2019.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the entire facts and circumstances of the case and the two previous orders of the learned co-ordinate Benches of this Court and the kind of narrations given in the F.I.R. as also that the petitioner has no criminal antecedent as stated in paragraph '3', let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No. 790 of 2019, subject to the 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

