

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27095 of 2021

Arising Out of PS. Case No.-162 Year-2020 Thana- EKANGARSARAI District- Nalanda

Laxman Rajak, Son of Hira Rajak Resident of Village - Chamheda, P.S.-
Ekangar Sarai, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1., APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-12-2021 Heard learned counsel appearing on behalf of the
petitioner as well as learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 12.11.2020 seeks
bail in connection with Ekangarsarai P.S. Case No.162 of 2020
registered for offence punishable under Section 379 of the IPC.

Prosecution case in brief, is that one Swaraj tractor
bearing registration no. BR25G9910 having Chassis No. WZTH
25428157842 and Engine No.33.1008/52HO 4779 was stolen
while it was parked at Chandehra Khanta.

Learned counsel appearing on behalf of the petitioner
submits that since several cases are pending against him he has
been roped in the present case as well on the basis of
confessional statement of one co-accused. He submits that he



had made specific statement in paragraph no.8 that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that he is innocent. So far as the present case is concerned and hence he may be released on bail taking into consideration the period of custody as well.

Learned counsel for the State submits that petitioner who has a very long criminal antecedent showing his involvement in not less than ten cases which were registered against him. There is every likelihood of witness or evidence being tampered with and being adversely influenced under the coercive clout of criminality of the petitioner. Involvement of the petitioner in ten cases is not an ordinary circumstances and cannot be lightly ignored. The details of which have been given in paragraph-3 of the petition which are as follows:

- (i) Ekangar Sarai P.S. Case No.37 of 2016 under Section 307 I.P.C. on bail.
- (ii) Ekangar Sarai P.S. Case No.248 of 2019 under Section 30(a) Excise Act-On bail.
- (iii) Ekangar Sarai P.S. Case No.261 of 2020 under Section 379 of the IPC registered unknown which bail petition is pending



before this Cour.

(iv) Ekangar Sarai P.S. Case No.206 of 2020 under Section 379 IPC Pending Hon'ble Lower Court.

(v) Angari P.S. Case No.72 of 2020 under Section 379 IPC registered unknown in which he is on bail.

(vi) Rajgir P.S. Case No.412 of 2019 under Section 379 IPC Registered unknown in which he is on bail.

(vii) Deep Nagar P.S. Case No.256 of 2020 under Section 379 IPC Registered unknown in which pending in court below.

(viii) Deep Nagar P.S. Case No.222 of 2020 under Section 379 IPC pending before this Court.

(ix) Deep Nagar P.S. Case No.230 of 2020 under Section 379 IPC Registered unknown in which pending in Court below.

(x) Telhara P.S. Case No.4/2020 under Section 379 registered unknown in which pending in court below.



Learned counsel for the petitioner further submits that petitioner is released on bail it will affect fair trial, affecting all the above cases and hence he do not deserves to be released on bail.

Considering the above-mentioned facts and circumstances of the case and the allegation made and on perusal of the FIR it appears that petitioner has not been named in the FIR, however, there is a specific averments made by the petitioner his name has been roped in the present case on the basis of confessional statement of the other co-accused, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs.2,00,000/-(Rupees Two Lac) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa at Nalanda in connection with Ekangarsarai P.S. Case No.162 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tamper with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Prakash Narayan /-

U		T	
---	--	---	--

