

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4227 of 2021

Arising Out of PS. Case No.-329 Year-2018 Thana- BIDUPUR District- Vaishali

VINOD RAY, Son of Chandeshwar Ray, Resident of Village - Chhapra
Dumari, P.S.- Patori, Dist.- Samastipur Appellant

Versus

The State of Bihar Respondent

Appearance :

For the Appellant/s : Mr.Kumari Anupam, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2021 Heard learned counsel for the appellant and Mr. Sadanand
Paswan, learned Special P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 22.01.2021 passed in Bidupur P.S. Case No. 329 of 2018 registered for the offence punishable under Sections 302, 120B, 387, 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(r)(v) of the Scheduled Castes and Scheduled Tribes Act by learned 1st Additional District and Sessions Judge-cum-Special Judge, Hajipur, Vaishali whereby and whereunder the prayer for regular bail of the appellant has been rejected. He is in custody since 14.09.2020. The appellant has got three criminal antecedent.

As per the prosecution story, the informant got information that her husband has been killed and driver and Khalashi of her Hywa truck are missing. The informant raised suspicion against the accused persons named in the F.I.R. and some unknown in the occurrence.

Learned counsel for the appellant submits that the



appellant is innocent and has been falsely implicated in this case. It is submitted that the appellant is not named in the F.I.R. and his name has been dragged in this case on the basis of confession of co-accused. It is further submitted that one of the co-accused Sanoj Kumar @ Chhotu has been granted privilege of anticipatory bail in Cr. Appeal (SJ) No. 276 of 2020 whereas some of the co-accused who are named in the F.I.R. have been granted bail by learned coordinate Benches of this Court in Cr. Appeal (SJ) No.1841 of 2021 and Cr. Appeal (SJ) No. 2098 of 2021.

Mr. Sadanand Paswan, learned Special P.P. for the State has opposed the prayer for bail of the appellant.

Having regard to the facts and circumstances of the case wherein this appellant is not named in the F.I.R., there is no eye witness to the alleged occurrence and the name of the appellant has transpired in the confessional statement of the co-accused, one of the co-accused Sanoj Kumar @ Chhotu has been granted privilege of anticipatory bail in Cr. Appeal (SJ) No. 276 of 2020 whereas some of the co-accused who are named in the F.I.R. have been granted bail by learned coordinate Benches of this Court in Cr. Appeal (SJ) No.1841 of 2021 and Cr. Appeal (SJ) No. 2098 of 2021, the appellant has three criminal antecedents, learned counsel for the appellant has submitted on repeated query by this Court that the appellant is on bail, so far as the present case is concerned, he is in custody since 14.09.2020 and the investigation against him is complete at this stage



there is no submission that his release is likely to interfere with the course of trial or tampering with the evidence, this Court sets-aside the impugned order and directs release of the appellant above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, Hajipur, Vaishali in connection with Bidupur P.S. Case No. 329 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This appeal stands disposed of accordingly.

(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'.

