

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7046 of 2021**

Arising Out of PS. Case No.-272 Year-2018 Thana- PAROO District- Muzaffarpur

Rajeev Rai, son of Jiya Lal Rai Resident of Village- Mahmadpur, P.S. Paroo,
District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ramchandra Singh, Advocate
For the State	:	Mr. S. Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 12-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Paroo P.S. Case No. 272 of 2018 registered for the offences punishable under Section 147, 148, 149, 341, 323, 379, 427, 504, 380, 448, 452 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story 17 named and 8-10 unnamed accused came at the house of the informant, they were alleged lashed with gun, rifle, Lathi and Farsa. It is alleged that all of them entered into the house of the informant and on the instigation of co-accused Jiyalal Rai this petitioner, co-accused Sanjeev Rai and co-accused Prem Ranjan Rai started firing from their gun

and rifle. It is then alleged that Palan Rai and Chandan Rai took away the gold ornaments and the cloths and the mobile of the informant which was worth Rupees three lakhs. The co-accused Sanjeev Rai and Chotan Rai had fired upon the informant with an intention to kill and co-accused Lalan Rai obtained signature of the informant on two blank sheet of papers.

Learned counsel submits that it is out and out a case of false implication of the petitioner and this would a perfect example as to how police may involve a person in too many cases despite no sign of the alleged occurrence having taken place on the spot.

Learned counsel submits that the allegation is that of firing by a gun and rifle but on the spot neither any sign of firing was found nor anybody has suffered any kind of fire-arm injury in the alleged occurrence. The Investigating Officer did not find any empty cartridge or sign of firing at the spot. In these circumstances, only because the petitioner has got some criminal antecedents, the same alone be not considered as any material against him in this case. Learned counsel submits that he has filed a supplementary affidavit in this case on 10.08.2021 in which 15 cases against the petitioner have been disclosed. It is stated that petitioner is on bail in all the cases.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner but on repeated query made by this court as to whether in the case diary any material has come to show that the firing has taken place on the alleged place of occurrence and any fire-arm injury has been caused to anybody, learned A.P.P. submits that in the case diary there is no such material.

Considering the facts and circumstances of the case, normally though this Court takes into consideration the criminal antecedent of the accused together with the materials against him in a particular case, in this case this Court has noticed that no material has been brought to the knowledge of this Court to support the prosecution story at this stage. In the circumstances where the petitioner has remained in jail in connection with this case for almost one year and he is on bail in all other cases, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Muzaffarpur, in connection with Paroo P.S. Case No. 272 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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. 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.

(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'.