

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16904 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- BAKHTIYARPUR District- Patna

Racy Ram @ Rajesh Kumar @ Racy Rai Son of Rama Rai Resident of
Village - Ghoswari, P.S.- Bakhtiyarpur in the district of Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the office,
be removed within four weeks.

The petitioner is in judicial custody in connection
with Bakhtiyarpur P.S. Case No. 93 of 2021 under sections 147,
148, 149, 504 and 307 of the Indian Penal Code and Section
25(1-B)a/27 of Arms Act.

The allegation in the FIR is that the accused persons
came to the informant's place and it is alleged that they resorted
to firing and thereafter left the place. The villagers chased in
which one of the accused persons namely, Ajay Kumar was
apprehended along with pistol and he was handed over to the



police.

Learned counsel for the petitioner submits that he was not the person present at the place of occurrence nor anything has been attributed to him. He further submits that although Section 307 of the Indian Penal Code has been incorporated, there is no injury and as per allegation only the accused persons resorted to firing. He lastly submits that he is in custody since 4.11.2021(as stated in para-13 of the bail application) and do not have any criminal antecedent.

Taking into account the aforesaid facts that charge-sheet stands submitted, the petitioner do not have any criminal antecedent (as stated in para-3 of the bail application) and he is in jail since 4.11.2021, this Court is inclined to grant him the privilege of bail. If, however, it is found that he do have any criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Barh, Patna, in connection with Bakhtiyarpur P.S. Case No. 93 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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