

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3600 of 2022

Arising Out of PS. Case No.-165 Year-2021 Thana- GANGABRIDGE District- Vaishali

Jitendra Rai, Son of Surendra Rai, R/O Village- Litiyahi, P.S.- Mahua,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23706 of 2022

Arising Out of PS. Case No.-165 Year-2021 Thana- GANGABRIDGE District- Vaishali

Vikash Kumar, Son of Shri Langra Rai @ Rajeshwar Rai @ Kishundeo Rai
Resident of Village - litiyahi, P.s.- Ganga Bridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3600 of 2022)

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 23706 of 2022)

For the Petitioner/s : Mr. Shyam Kishore, Advocate

Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 19-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in



connection with Ganga Bridge P.S. Case No. 165 of 2019 registered for the alleged offences under Sections 147, 148, 353, 224, 225, 332, 333, 307 and 504 of the Indian Penal Code.

The prosecution case is that on receipt of secret information, the police party started for conducting a raid against bootleggers. On suspicion, a four wheeler and a motorcycle were stopped and apprehended. The persons travelling in four wheeler and riding the motorcycle called out their accomplices indulging in trade of illicit liquor and assaulted the police party with *lathi*, *danda*, bricks and stones. The informant was assaulted on his head with an iron rod causing serious injuries to him. The petitioners are stated to be two of the named accused persons.

The learned counsel appearing on behalf of the petitioner-Jitendra Rai submits that it is not clear from the FIR who named the petitioner in this case. None of the miscreants were identified rather they have been named only on suspicion. There is no specific overt act attributed to this petitioner and the allegations are quite general and vague. The charge sheet has been submitted and the petitioner is in custody since 10.09.2021.

The learned counsel appearing on behalf of the



petitioner-Vikash Kumar submits that apart from submissions made on behalf of the petitioner-Jitendra Rai, there is nothing on record to show that this petitioner was involved in any bootlegging activity. This petitioner is having clean antecedent. The statement of the informant is contradictory in the sense that if local people assaulted the informant and the police party, then how come the same local people named the petitioner and other co-accused persons for being involved in the assault. Further, a car and motorcycle were allegedly stopped and seized but no registration number of vehicles were given. Learned counsel further submits that the petitioner is in custody since 13.02.2022.

Learned APP opposes the prayer for bail submitting that petitioner Jitendra Rai has got 11 cases against him and he is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and further considering their period of custody, the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in



connection with Ganga Bridge P.S. Case No. 165 of 2021,
subject to the following conditions :

(i) The bail bond of the petitioner, namely, Jitendra Rai will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the close relative of the petitioners.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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

