

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29882 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- WAJIRGANJ District- Gaya

Asholk Rajwanshi @ Shlok Rajwanshi @ Ashlok Rajwanshi @ Ashok Rajwanshi, S/o Prayag Rajwanshi @ Pragash Rajwanshi @ Pragash Ram @ Praksh Rajwanxhi, Resident of Village- Manaini, P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manisha Prakash

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Sections 413, 414/34 of the Indian Penal Code.

According to prosecution case, on 07.01.2022 the informant alongwith armed forces proceeded for morning patrolling duty, he got an information from the SHO Wajirganj that one suspected namely Ashok Rajwanhsi (petitioner) who is wanted in many cases has come to his house. On verification of the same the raiding party came to his house after seeing the



police one person started the vehicle and fleeing away but on chase who was apprehended by the police and on inquiry he disclosed his name as Ashok Rajwanshi. On search a red colour motorcycle Hero Galmour and black colour Yamaha motorcycle were standing in the verandah of his house, on demand no paper with regard to the vehicles was produced by him. A seizure list was prepared in presence of two persons who were members of raiding party as witnesses, on inquiry the apprehended person disclosed that he and one Rambilash Choudhary had purchased these motorcycles on payment of Rs.7,000 and Rs.7,080/- respectively from Gaya-Nawada for carrying liquor.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that the recovery has been made from under constructed house of the petitioner. He further submits that the said house is not the exclusive house of this petitioner, rather it is joint under construction house of joint family where no one was residing. He further submits that nothing was recovered from the house in question, rather the police has planted the same and shown the recovery from the possession of the petitioner. He further submits that there is no compliance of



Section 100 Cr.P.C. and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 08.01.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Wazirganj P.S. Case No. 07 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation



of bail.

3. 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.

(Rajesh Kumar Verma, J)

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