

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53034 of 2021

Arising Out of PS. Case No.-234 Year-2018 Thana- MINAPUR District- Muzaffarpur

SAROJ RAI Son of Baleshwar Prasad Yadav @ Baleshwar Rai Resident of
Village - Batrauli, P.S. - Mahindwara, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa, Adv
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 307 and 34 of the Indian Penal Code and 27 of Arms Act.

As per the prosecution case, the three accused persons came to the petrol pump of the informant and looted the petrol pump. It is further stated that one of the miscreants fired hitting the informant in his abdomen.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. He has falsely been



implicated in the present case only on the basis of information given by the Spy. He further submits that during investigation, except the information given by the Spy, nothing has come against the petitioner and nothing incriminating article has been recovered from possession of the petitioner and similarly situated co-accused, namely, Rakesh Kumar has been granted bail vide order dated 20.09.2021 in Cr. Misc. No.17498 of 2021 by a Coordinate Bench of this Hon'ble Court and the petitioner is in custody since 13.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries 22 more cases other than the present one.

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Minapur Police Station Case No.234 of 2018, with 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/her absence on two consecutive dates without sufficient



reason, his/her 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.

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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