

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44179 of 2022**

Arising Out of PS. Case No.-9 Year-2020 Thana- BHAGWANPUR District- Vaishali

Ajay Kumar Rai @ Ajay Rai Son of Shiv Shankar Rai R/O Village- Hasanpur
Osti, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the State : Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 25-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bhagwanpur P.S. Case No. 9 of 2020 registered for the offence
under Sections 395 and 397 of the Indian Penal Code and
Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 14.05.2020.

The allegation against the petitioner is to commit
dacoity, and while committing so, looted a white colour Bolero
near TVS Agency, Bhagwanpur.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of self confession, while apprehending in Mahua P.S. Case No. 112 of 2020. It is submitted that as petitioner was found involved in 19 more criminal cases of almost similar nature, his name surfaced in the present case also on the basis of suspicion, arises due to his criminal antecedent, which is otherwise have no bearing over the merit of this case. It is also pointed out that petitioner is on bail in 12 out of 19 cases, where in most of the cases, name of the petitioner surfaced on the basis of confession, as of the present case. It is further submitted that nothing incriminating surfaced/recovered during the course of investigation to connect this petitioner with the present occurrence of dacoity. It is also submitted that petitioner has not been put on T.I.P. as yet. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned



above, as nothing incriminating surfaced/recovered in furtherance of confession to connect this petitioner with the present occurrence of dacoity coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bhagwanpur P.S. Case No. 9 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Vaishali/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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