

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(BEFORE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.66696 of 2021**

Arising Out of PS. Case No.-532 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

AJAY RAI, Son of Toka Rai @ Sudarshan Rai, Resident of Village - Rupch-
hapra, P.S.- Sahebganj, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s: Mr.Akshay Lal Pandit, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-05-2022 Learned counsel for the petitioner undertakes to re-
move the defects as pointed out by the Stamp Reporter within
two weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Ak-
shay Lal Pandit, learned APP for the State.

The petitioner in the present is seeking regular bail in
connection with Sahebganj P.S. Case No. 532 of 2019 registered
for the offences punishable under Section 394 of the Indian Pe-
nal Code and Section 27 of the Arms Act. The petitioner is in
custody since 08.08.2021. The petitioner has declared four crim-
inal antecedents in paragraph '3' of the application. Learned
counsel for the petitioner has submitted that in none of the four
cases, the petitioner is on bail.



Learned counsel for the petitioner submits that the present case has been lodged on the basis of the fardbeyan of one Pradeep Kumar recorded on 06.12.2019. He has alleged that while he was returning to LNT Micro Finance Company Branch Office at Sahebganj on 04.12.2019 at about 2.00-2.30 P.M., one motorcycle started following him. The informant noticed that three persons were riding on the motorcycle, one of them threatened the informant and the two other persons snatched away Rs. 1.25 lakhs which he had collected in the morning. It is stated that one of the miscreants had fired from his pistol and the informant called up his voice and then he got treated at Primary Health Centre at Sahebganj. One pellet from his right chest was taken out by the Doctor.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the confessional statement of co-accused Ajay Kumar Baheliya. The petitioner is in custody for almost nine months but till date he has not been put on T.I.P. No incriminating material has been recovered from his possession. In the meantime, the co-accused Jai Prakash Tiwary has been granted bail by the learned court below on 02.03.2021 in B.P. No. 369 of 2021.

It is submitted that the said co-accused had seven



criminal antecedents whereas this petitioner had got only four criminal antecedents. It is also pointed out that while granting bail to co-accused Jai Prakash Tiwary, the learned court below has taken note of the fact that co-accused Ajay Kumar Baheliya has already been granted bail.

Mr. Akshay Lal Pandit, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. No point of distinction between the case of this petitioner and that of co-accused Jai Prakash Tiwary could be brought to the notice of this Court. In fact, it appears from the order of the learned court below that the learned court below has rejected the prayer for bail of the petitioner considering the past criminal antecedent of the petitioner and keeping in mind that the investigation was going on in this case. At this stage, the investigation is over against the petitioner and it has been brought to the notice of this Court that the co-accused who has been granted bail had seven criminal antecedents.

Having regard to the submissions noted hereinabove and the materials placed before this Court particularly that there is no identification of the petitioner in connection with the said case and the petitioner has remained in custody for over nine months, investigation against him is complete and his presence



may be secured in course of trial, this Court in so far as the present case is concerned, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, West, Muzaffarpur in connection with Sahebganj P.S. Case No. 532 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

And considering that the petitioner has got four criminal antecedents apart from the present case, this Court directs that henceforth till conclusion of trial in this case once in every two months the petitioner shall mark his attendance before the S.H.O. of Sahebganj police station in the District of Muzaffarpur and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Sahebganj police station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

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.

The application stands allowed.

Let a copy of this order be sent to the Superintendent of Police, Muzaffarpur for necessary instruction to the S.H.O. of the concerned Police Station.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court web-site under the heading 'Judicial Orders Passed During The Pandemic Period'.

