

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3355 of 2023

Arising Out of PS. Case No.-4 Year-2022 Thana- GADHPURA District- Begusarai

Rahul Kumar @ Rahul Rai @ Rahul Kumar Ray, Son of Ram Badan Ray @
Bholi Ray, R/O Village- Sasan, P.S.- Hasanpur, Distt.- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
		Mrs. Divya Bharti, Advocate
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Pushpendra Kumar Singh, learned counsel
for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Gadhpura P.S. Case No. 04 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 380, 504, 427, 448, 452 and 506 of the Indian Penal Code.

The prosecution case is based on the fardbeyan of the informant alleging therein that on 15.01.2022 all the F.I.R. named accused persons barged into the house of the informant and told her to vacate the house, as they have got registered the land. It is further alleged that on the next day the accused persons, including the petitioner, having armed with pistol and



other weapons came and started damaging the house. Further allegation has also been made against all other accused persons of abusing and damaging the house.

Submission has been made on behalf of the petitioner that F.I.R. has been instituted against 14 named accused persons and 25 to 30 unknown persons, however, no specific allegation has been levelled against the petitioner. Further submission has been made that the other co-accused persons, against whom the allegation of firing and damaging the house has been levelled, have been allowed the privilege of bail by the learned coordinate Benches of this Court in Cr. Misc. No. 59049 of 2022 and Cr. Misc. No. 59842 of 2022 vide orders dated 22.12.2022 and 07.02.2023 respectively. He further submits that the name of the petitioner has been implicated only on account of his past criminal antecedent, as the petitioner is named in ten other criminal cases. He lastly submits that the petitioner is in custody since 12.09.2022 and now the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is carrying ten criminal antecedent over his head.

Regard being had to the submissions made on behalf



of the parties and considering the fact that the other co-accused persons, against whom specific allegation has been levelled, have been allowed the privilege of bail and mere criminal antecedent of a person cannot be the sole ground to keep him behind the custody for indefinite period, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai in connection with Gadhpura P.S. Case No. 04 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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