

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2539 of 2023

Arising Out of PS. Case No.-168 Year-2022 Thana- KHAGAUL District- Patna

FRIZ RAY @ VISHAL KUMAR @ FRIZ RAI S/O RAJNATH RAI @
RAJNATH RAJ Resident of Village- Harshamchak Dear, P.S.- Danapur,
District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in a case registered for
the offence under Sections 147, 148, 149, 341, 323, 332, 333,
353, 427, 307, 120(B), 337, 338, and 506 of the Indian Penal
Code and Section 3 and 4 of the Public Property Damage Act.

According to the prosecution, the petitioner along
with others by forming a mob has allegedly set fire in the
train and damaged the fire brigade vehicle.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that for the same
set of facts, the petitioner has been made accused in G.R.P.



Danapur P.S. Case No. 821 of 2022, however, he has been granted bail in that very case. He further submits that there is general and omnibus allegation attributed to the petitioner and no specific allegation of assault or any overt act is attributed to him. He further submits that at best the petitioner is said to be the member of mob only but he did not cause any damage to the public property. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 17.06.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Khagaul P.S. Case No. 168 of 2022 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 canceled 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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