

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2985 of 2023**

Arising Out of PS. Case No.-316 Year-2019 Thana- BIDUPUR District- Vaishali

MANISH RAI @ MANISH KUMAR RAI Son of Police Ray @ Akhilesh
Ray @ Akhilesh Kumar R/V- Dewantok, P.S- Gangabridge, Dist-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 24-04-2023 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail, who is in custody since 22.10.2022 in connection with Bidupur P.S. Case No. 316 of 2019, FIR dated 06.08.2019 registered for the offence under Section 414 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act and Section 392 of the IPC was added later on.

According to the prosecution case, one country made pistol along with one live cartridge, one mobile phone and Rs. 1200/- have been recovered from the possession of co-accused Vinod Kumar and 405 buckets of paint was loaded on a Pickup Van was recovered from the possession of the petitioner along with co-accused Sanjay Kumar and Khesari Kumar.



Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the name of the petitioner has come merely on the basis of the disclosure made by the co-accused Manoj Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and he was not apprehended on the spot rather the co-accused persons were arrested on the spot namely, Manoj Kumar and Vinod Kumar. He further submits that the similarly placed co-accused have since been granted bail by a coordinate bench of this Court vide order dated 4.11.2019 passed in Cr. Misc. No. 65337 of 2019 and Cr. Misc. No. 65352 of 2019. 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 22.10.2022.

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 Judicial



Magistrate, 1st Class, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 316 of 2019 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)

Ajay Singh/-

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