

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12883 of 2023

Arising Out of PS. Case No.-187 Year-2021 Thana- BIDUPUR District- Vaishali

Ranjeet Rai @ Ranjit Rai S/o Suresh Ray R/o village- Hardaspur, P.S.-
Mohanpur, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
12.12.2022, in connection with Bidupur P.S. Case No. 187 of
2021, F.I.R. dated 07.04.2021 registered for the offences
punishable under Sections 341, 323, 307, 504/34 of the Indian
Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is that he fired by
pistol upon the informant causing injury on right shoulder.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case due to old dispute. He further
submits that the allegation as alleged in the F.I.R. is false and
fabricated and the petitioner has not committed any offence as



alleged in the F.I.R. He further submits that from a bare perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 23.03.2021 but the present F.I.R. was instituted on 07.04.2021 after delay of fourteen days without giving any explanation of delay. He further submits that as per F.I.R. the petitioner is the main assailant and he opened fire upon the victim. He further submits that the injury report is not available on record and the co-accused person namely Subodh Rai @ Subodh Kumar who is the order giver as per F.I.R. has been granted bail by this Court vide order dated 07.04.2022 passed in Cr. Misc. No. 57345 of 2021. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 12.12.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that there is specific and direct allegation against the petitioner that he has fired upon the victim but fairly submits that the injury report is not attached with the case diary.

In view of the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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. 187 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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