

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13473 of 2023

Arising Out of PS. Case No.-503 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Arvind Kumar @ Arvind Rai Son of Shiv Narayan Ray R/O Village- Subhai
Dakhini Tola, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 17.08.2022
in connection with Hajipur Sadar P.S. Case No. 503 of 2022,
F.I.R. dated 03.07.2022 for the offences punishable under
Sections 147, 148, 149, 341, 307, 427, 384, 386, 506 and
120(B) of the Indian Penal Code and Section 27 of the Arms Act
and Sections 3/4 of Explosive Substance Act.

According to prosecution case, the informant sold some
land with the mediation of Ravi Kumar Mishra to one Ranveer
Kumar. It is further alleged that the petitioner along with other
co-accused persons, armed with bomb and country made pistols,
rushed to the said land and started firing indiscriminately
causing injuries to several persons. The bomb explosion also
caused damage to nearby vehicles. It is also alleged that the

accused persons demanded twenty-five lakhs rupees as *rangdari* and threatened to kill if their demand is not fulfilled.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that the informant has implicated the name of the petitioner on the basis of suspicion and informant himself is not sure if the petitioner is involved in the present case merely on the basis of disclosure made by other person, he has falsely implicated the petitioner and the co-accused persons in the present case and nothing has been recovered from the conscious possession of the petitioner. He further submits that similarly situated, co-accused, namely, Santosh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 07.02.2023 passed in Cr. Misc. No. 59863 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 17.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the

petitioner, above named, 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 503 of 2022, 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 witnesses, 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 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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