

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10988 of 2023

Arising Out of PS. Case No.-53 Year-2020 Thana- KHAIRA District- Saran

ABHISHEK RAI, Son of Suresh Rai, R/V- Bajitpur Turkwaliya, P.S- Chapra
Muffasil, Dist- Saran (Chapra)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Mr. Mukesh 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 Khaira (Nagra) P.S. Case No. 53 of 2020 registered for the offences punishable under Sections 399, 511 of the Indian Penal Code and Sections 25 (1-b)a, 26/35 of the Arms Act.

The police on a tip-off information regarding assemblage of miscreants conducted raid. However, on noticing the police, some of the miscreants succeeded in fleeing away, but co-accused Pankaj Kumar was apprehended and on search one country made pistol and a live cartridge was recovered from his possession. It is further alleged that the apprehended person disclosed the name of the petitioner and others.



Submission has been made by the learned counsel for the petitioner that save and except the disclosure made by the apprehended co-accused, there is no material suggesting the complicity of the petitioner in the present crime, apart from the fact that the disclosure before the police is hit by Sections 25/26 of the Indian Evidence Act, 1872. He next submits that the name of the petitioner has been implicated in the present crime on account of his past criminal antecedent, as he is carrying five criminal cases, besides the present case, over his head. He lastly submits that the petitioner is in custody since 27.01.2022. The investigation of the crime is complete and the charge-sheet has been submitted and now the petitioner has remained in custody for over a period of one year.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is a habitual offender and involved in five other criminal cases, as is evident from para.3 of the petition.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has come on the disclosure made by the co-accused, coupled with the period of custody and he is on bail in all other criminal cases, 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, Saran at Chapra in connection with Khaira (Nagra O.P.) P.S. Case No. 53 of 2020, 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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