

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19765 of 2023**

Arising Out of PS. Case No.-955 Year-2021 Thana- NAGAR District- Vaishali

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ABHAY SINGH @ ABHAY KUMAR SINGH @ JAYANT SINGH RANA
Son of Bashisth Singh R/v- Ismailpur, P.S.- Sadar Hajipur, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jharkhandi Upadhyay,Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha,APP

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

3 18-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 27.09.2022 in connection with Hajipur Nagar P.S.Case No.955 of 2021, F.I.R. dated 01.10.2021 registered for the offence punishable under Sections 399,402 of IPC and Sections 25(1-b)a,26,35 of the Arms Act.

3. The case of the prosecution according to the informant is that on 13.11.2021, he got an information that some miscreants have assembled at the alleged place of occurrence and are planning to execute some criminal act, whereupon the informant along with his police force had reached near the Gandak river dam and found 7-8 persons sitting there, however, upon seeing the police, they had tried to flee away, but some of



the accused persons were apprehended by the police.

4. Learned senior counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that it appears from the FIR that the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused persons and from bare perusal of the FIR as well as the seizure list that nothing has been recovered from conscious possession or the house of the petitioner rather the recovery has been made from the other co-accused persons and the co-accused persons, namely, Deepak Kumar, Nagmani Singh and Mukesh Kumar @ Rupesh Kumar have been granted bail vide order dated 22.08.2022 passed in Cr. Misc. No. 19205 of 2022 and its analogous cases, co-accused persons, namely, Dhananjay Kumar @ Vicky Kumar and Sanjay Kumar @ Sanjay Mali @ Sanjay Bhagat have also been granted bail vide order dated 03.02.2023 passed in Cr. Misc. Nos. 42266 of 2022 and 54081 of 2022 respectively by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 27.09.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and



submits that the petitioner carries three more cases other than the present one, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Nagar P.S. Case No.955 of 2021, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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