

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18996 of 2023

Arising Out of PS. Case No.-895 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

AJAY RAI S/O GONI RAI R/O VILLAGE- MAKSOODPUR, P.S-
MINAPUR, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20038 of 2023

Arising Out of PS. Case No.-895 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

VINOD RAI SON OF RAM CHANDRA RAI RESIDENT OF MOHALLA -
JIYALAL CHOWK, NAJIRPUR, P.S. - AHIYAPUR, DISTT. -
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18996 of 2023)

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

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

(In CRIMINAL MISCELLANEOUS No. 20038 of 2023)

For the Petitioner/s : Mr. Vindhya Keshari Kumar, Sr. Adv.

Mr. Ravi Shankar Pathak, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
23.11.2022 & 27.10.2022 respectively in connection with
Ahiyapur P.S. Case No.895/2022 dated 07.10.2022 registered for
the offences punishable under Sections 147, 149, 341, 342, 323,



324, 325, 307 & 302 of the I.P.C.

According to prosecution case, the friend of the son of the informant namely, Rohit Kumar informed the informant that his son, namely, Raja Thakur was kidnapped by eleven accused persons including these petitioners and he was brutally assaulted.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that the informant is not an eyewitness of the alleged occurrence and only on the basis of disclosure made by Rohit Kumar, the present F.I.R. has been instituted by the informant. He further submits that from bare perusal of the F.I.R. it appears that there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that it has come during investigation in paragraph-32 of the case diary that he (Rohit Kumar) is claiming to be an eyewitness of the alleged occurrence but as per his statement, there is no accusation of any assault or overt act is attributed against these petitioners. He further submits that finally in paragraph- 157 of the case diary, on the basis of CCTV footage, it has been found that the petitioners and other co-accused persons were present at the place of occurrence and it has



been found in CCTV footage that co-accused persons, namely, Suraj Kumar and Neeraj Kumar have assaulted with the pistol to the deceased and other co-accused persons including these petitioners have assaulted to the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 23.11.2022 (Ajay Rai) & 27.10.2022 (Vinod Rai) respectively.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners and submits that sufficient material has come during investigation against the petitioners to suggest their involvement in the present occurrence. He further submits that apart from that the petitioner no.1 has carried seven antecedent and the petitioner no.2 has carried three antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner no1 is on bail in five cases out of seven cases and the petitioner no.2 is on bail in all the three cases.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Muzaffarpur in connection with Ahiyapur P.S. Case No.895/2022, subject to the following



conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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