

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34764 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- VAISHALI District- Vaishali

Binod Rai @ Vinod Rai @ Vinod Kumar S/O Late Rajendra Rai R/O Village-
Chintamanpur, P.S- Vaishali (Belsor O.P), Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
11.02.2023 in connection with Vaishali (Belsar O.P) P.S. Case
No. 47 of 2023, F.I.R. dated 10.02.2023 for the offences
punishable under Sections 25 (1-b)a and 26 of the Arms Act.

3. According to prosecution case, it appears from the
F.I.R. and Seizure list that one country-made pistol was
recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. Learned counsel for the petitioner
further submits that there is non-compliance of Section 100 of
the Cr.P.C. The police after investigation, submitted the charge



sheet against the petitioner. The petitioner is in custody since 11.02.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried 8 cases other than the present one but fairly submits on the basis of paragraph – 3 of the bail petition that the petitioner is on bail in all eight cases.

7. 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 Vaishali (Belsar O.P) P.S. Case No. 47 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his 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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