

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34870 of 2023

Arising Out of PS. Case No.-200 Year-2019 Thana- RAJAPAKAR District- Vaishali

VIDYA BHUSHAN RAI Son of Shri Lal Babu Ray Resident of village -
Bakarpur, Post Office - Chak Sikandar, P.S. - Raja Pakar, Distt. - Vaishali, Pin
Code - 844 115

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kishun Chand Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
29.09.2022 in connection with Raja Pakar P.S. Case No. 200 of
2019, F.I.R. dated 20.08.2019 for the offences punishable under
Sections 414/34 of the Indian Penal Code.

3. According to prosecution case, in brief, is that on
the basis of disclosure made by the co-accused persons when the
police raided the house of the petitioner various types stolen
chocolate and packets of chocolate are said to have been seized
from his house.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of disclosure made by the co-accused



person. He further submits that it appears from the F.I.R. that recovery have been made from all the co-accused persons including the petitioner and petitioner was not apprehended from the spot. He further submits that similarly situated, co-accused, persons namely, Sandeep Rai @ Sanjeev Rai @ Sandip Ray, Rahul Kumar and Uday Pratap Singh who have been apprehended from the spot have been granted bail by different co-ordinate Benches of this Court vide orders dated 12.01.2021, 25.11.2020 and 25.11.2020 passed in Cr. Misc. No. 34359 of 2020, Cr. Misc. No.30237 of 2020 and Cr. Misc. No. 27448 of 2020. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 29.09.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that looted article has been recovered from the house of the petitioner. He further submits that petitioner carries eight criminal antecedents other than the present one.

6. 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 Additional Chief Judicial Magistrate-XIII, Vaishali at Hajipur in connection with Raja Pakar P.S. Case No. 200 of 2019, 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)

mdrashid/-

U		T	
---	--	---	--

