

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47178 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- BIDUPUR District- Vaishali

Raushan Ray Son Of Sudhir Ray @ Sudhir Kumar Resident Of Village-
Madhaul Harpur Chand, Ps- Desari (CHANDPURA O.P.), Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
10.04.2023 in connection with Bidupur P.S. Case No. 07 of
2023, F.I.R. dated 11.01.2023 for the offences punishable under
Sections 399, 402, 414 of the Indian Penal Code and Section
25(1-b)a, 26, 35 of the Arms Act.

According to prosecution case, in brief is that on
11.01.2023 when the informant alongwith other police
personnel reached near Mohiddunpur Railway over bridge, on
seeing the police vehicle the persons boarded on three
motorcycles, three persons on each motorcycle started to flee
away, but three miscreants boarded on one motorcycle fell down
who were apprehended with the help of armed forces.
Remaining 5-6 persons boarded on two motorcycle succeeded to



flee away. The apprehended three miscreants disclosed their names as Chhotu Kumar @ Navin Kumar @ Jasar, Navin Kumar and Rajesh Kumar. On search from the possession of Chhotu Kumar @ Navin Kumar @ Jasar one country made pistol loaded with one live cartridge was recovered, from the possession of Navin Kumar one country made pistol loaded with one live cartridge was recovered and from the possession of co-accused Rajesh Kumar @ Timal @ Dimpal, one country made pistol loaded with one live cartridge was recovered. On interrogation, the apprehended accused persons disclosed the name of the persons who succeeded to flee away as Raushan Rai (petitioner), Abhishek Kumar Rai, Raja Singh, Ankit Kumar @ Anikesh @ Ashish, Dinu Rai and Badal Kumar.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession so there is no case is made out under the Arms Act. He further submits that the name of the petitioner has been transpired on the basis of disclosure made by the co-accused person and recovery has been made from the other co-accused persons namely, Chhotu Kumar @ Navin Kumar @



Jasar, Navin Kumar and Rajesh Kumar and they have disclosed the name of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 10.04.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries nine criminal antecedents other than the present one but fairly submits that petitioner is on bail in four cases out of nine cases.

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 Bidupur P.S. Case No. 07 of 2023, 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)

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