

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47196 of 2023

Arising Out of PS. Case No.-14 Year-2020 Thana- BHAGWANPUR District- Vaishali

AJAY KUMAR RAI @ AJAY RAI Son of Shiv Shankar Rai Resident of
village - Hasanpur Osti, P.S. - Mahua, Distt. - Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 05.03.2020 seeks
bail, in connection with Bhagwanpur P.S. Case No.14/2020, dated
26.01.2020, for the offences punishable under Sections 394 of the
IPC.

3. According to prosecution case, four unknown miscreants
snatched the key of the informant and brought the informant inside
the Bolero vehicle and started to flee away towards Goraul and
looted his purse, cash of Rs.11,000/-, Aadhar card, voter card, bank
passbook along with mobile phone. Thereafter the miscreants tied the
informant with a tree and fled away with his Bolero vehicle.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He further
submits that the petitioner is not named in the F.I.R. The name of the



petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely Chintu and thereafter the self confessional statement of the petitioner was also recorded in which he has confessed his guilt in the present occurrence. He further submits that nothing has been recovered from the conscious possession of the petitioner and the vehicle in question has been recovered from Khan gali, Rambagh Chauri, Muzaffarpur and the petitioner has been apprehended in the present case from Mahua P.S. Case No.112/2020. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.03.2020.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried 20 criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that out of 20 cases, the petitioner is on bail in 14 cases.

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 A.C.J.M.-1st, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No.14/2020, 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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