

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58046 of 2023

Arising Out of PS. Case No.-27 Year-2021 Thana- DESARI District- Vaishali

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RAUSHAN RAI @ RAUSHAN KUMAR SON OF SUDHIR RAI @
SUDHIR KUMAR RESIDENT OF VILLAGE- MADHAUL, PS- DESARI
(CHANDPURA OP), DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshul, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard Mr. Anshul, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner is an accused in connection with
Desari (Chandpur O.P.) P.S. Case No. 27 of 2021 registered for
the offences under sections 399, 402, 414 and 34 of the Indian
Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act
lodged on 27.01.2021 by the informant, Lalan Singh.

3. As per the prosecution story, on secret information,
the house of Ram Swarup Rai @ Ram Swarup was raided.
Some accused persons managed to escape in the cover of
darkness, country made revolver and live cartridges were
recovered. The persons who were apprehended were Chandan
Kumar and Ram Swarup Rai who disclosed the name of those



who escaped, the petitioner being one of them. Accordingly, the FIR.

4. It is the case of the petitioner that neither he has been arrested from the spot nor anything recovered from his conscious possession. His name has come in the confessional statement of those arrested, he is in custody since 15.02.2023 (as stated in paragraph 14 of the bail application) and further though concedes that he has been implicated in nine criminal cases, will be visiting Samridhi Library, Hajipur every fortnight for a year after paying the annual fees of the said library. He further submits that one of the similar placed co-accused, Bablu Kumar has since been granted relief by a co-ordinate bench in Cr. Misc. No. 54615 of 2023 on 25.08.2023.

5. Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent of the same nature.

6. Taking into account the submissions put forward by the parties, he is a young boy of 20 years, has remained in custody since 15.02.2023. As per the undertaking given by the learned Counsel for the petitioner, he will be visiting the concerned library for one year every fortnight after paying the subscription fees.



7. This Court while extending the relief to him is of the opinion that the petitioner will come to terms and will see to it that he is not implicated in 11th criminal case.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desri (Chandpura O.P.) P.S. Case No. 27 of 2021 , subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) he shall visit Samridhi Library, Hajipur every fortnight for a year and remain there for an hour after paying the annual subscription fees. In case, he faces problem in visiting the library, can seek help of the District Legal Services



Authority, Vaishali at Hajipur.

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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