

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54615 of 2023

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

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BABLU KUMAR S/O RAM BABU RAI @ RAM BABU RAY RESIDENT
OF VILLAGE RAMPUR KICHNI, POLICE STATION DESARI, DISTRICT
VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Prasad, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is in judicial custody in connection
with Desari (Chandpura) P.S. Case No. 27 of 2021
registered under Sections 399, 402 and 414/34 of the Indian
Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act
lodged on 27.01.2021 by the informant, Lalan Singh.

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.

It is the case of the petitioner that the alleged recovery is from the house of Ram Swarup Rai @ Ram Swarup. He has nothing to do with the said occurrence and only due to enmity, the name of the petitioner has been confessed which resulted into his custody since 15.02.2023 (as stated in paragraph-4 of the petition). The further submission is that co-accuseds namely, Chandan Kumar and Ram Swarup Rail have since been extended the privilege of bail vide order dated 04.02.2022 passed in Cr. Misc. No. 29789 of 2021, as contained in Annexure-2 to the petition).

Learned APP for the State opposes the prayer for bail stating that he has criminal antecedent.

Considering the fact that he has not been apprehended from the spot and the alleged recovery is from the house of Ram Swarup Rai @ Ram Swarup has since been extended the privilege of bail by a co-ordinate Bench of this Court, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on



furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate -1st Class, Vaishali at Hajipur in connection with Desari (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/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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;

(v) 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.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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