

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54327 of 2023

Arising Out of PS. Case No.-5 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

RAJA BABU S/O BIJAY YADAV @ VIJAY RAI R/O VILLAGE-
PRANPUR, P.S- TISIYONTA, AT PRESENT P.S- BIDUPUR, DISTT.-
VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-09-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 05.11.2022 seeks bail, in connection with Hajipur Sadar P.S. Case No.05/2020, dated 03.01.2020, for the offences punishable under Sections 25(1-b)a/26/35 of the Arms Act & Section 52 of the Prisoners Act.

3. According to prosecution case, the petitioner is alleged to have committed murder of the under trial prisoner by inflicting bullet injury and hide the pistol near the banana plant and said pistol has been recovered at the instance of the petitioner near banana plant.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that for the same occurrence, Hajipur Sadar P.S Case No. 04/2020 was also instituted and the petitioner was also made accused



in that case. He further submits that from bare perusal of the F.I.R. as well as seizure list, it appears that no incriminating article has been recovered from the possession of the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.11.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has fired upon the victim in Hajipur Sadar P.S. Case No. 04/2020 and on the basis of disclosure made by the petitioner the pistol has been recovered near the banana plant and the Superintendent of Mandal Kara, Hajipur has officially communicated about the seizure of arms to the concerned authority and apart from that the petitioner has carried five criminal antecedent other than the present one.

6. Considering the aforesaid facts as well as period of custody, 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 C.J.M., Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 05/2020, 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)

amit/-

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

