

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57629 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- WAJIRGANJ District- Gaya

Rahul Rajvanshi S/O Ramchandra Rajvanshi R/O Village/Mohalla- Tikat
Balwapar, Ps. Wazirganj, Dist. Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
16.02.2023 in connection with Wazirganj P.S. Case No. 26 of
2023, F.I.R. dated 14.01.2023 for the offences punishable under
Sections 394 of the Indian Penal Code.

3. According to prosecution case, the informant is
said to have been assaulted by fits and slaps and his motorcycle
was looted by some persons.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R. and his name is transpired
on the basis of confessional statement of co-accused person,



namely, Vikku Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and till date, no T.I.P. has been conducted against the petitioner. He further submits that except the confessional statement of the co-accused person, no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 16.02.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Additional Chief Judicial Magistrate – Ist, Gaya, in connection with Wazirganj P.S. Case No. 26 of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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