

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57328 of 2023

Arising Out of PS. Case No.-416 Year-2022 Thana- RIVILGANJ District- Saran

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Ajay Kumar Rai @ Ajay Kumar Yadav son of Sri Hare Ram Rai Village-
Godana More Ps- Rivilganj Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 12.12.2022, in connection with Rivilganj P.S. Case No. 416 of 2022, F.I.R. dated 12.12.2022 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

3. The case relates to recovery of Chinese knife and one mobile phone from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. as well as seizure list that nothing incriminating article has been recovered from the possession of the the petitioner rather



incriminating articles have been recovered from the possession of co-accused person and as per F.I.R. as well as seizure list that one chinese knife and one mobile phone have been recovered from the possession of the petitioner which was the subject matter of Rivilganj P.S. Case No. 408 of 2022. He further submits that except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused namely Kalamuddin Khan @ Chhotu has been granted bail by a Coordinate Bench of this Court vide order dated 30.05.2023 passed in Cr. Misc. No. 15915 of 2023, another co-accused person namely Dhanu Thakur has been granted bail by a Coordinate Bench of this Court vide order dated 19.05.2023 passed in Cr. Misc. No. 24269 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 12.12.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Judicial Magistrate 1st Class, Saran, Chapra in connection with Rivilganj P.S. Case No. 416 of 2022, 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 witness, 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 antecedents, 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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