

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57611 of 2023

Arising Out of PS. Case No.-116 Year-2021 Thana- DESARI District- Vaishali

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

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
23.02.2023 in connection with Desari P.S. Case No. 116 of
2021, F.I.R. dated 26.03.2021 for the offences punishable under
Sections 399, 402, 414/34 of the Indian Penal Code and Section
25(1-b)a, 26 and 35 of the Arms Act.

3. Recovery is of one loaded country made pistol and
two live cartridge.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of the disclosure made by the co-
accused persons, namely, Ravi Kumar and Lalbabu Bhagat. He
further submits that although recovery has been made from the
possession of the co-accused persons, Ravi Kumar and Lalbabu



Bhagat, nothing has been recovered from the conscious possession or the house of the petitioner. He further submits that except the disclosure made by the co-accused persons, no other material has come during 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. He further submits that similarly situated, co-accused, namely, Raja Kumar @ Raja Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 24.12.2021 passed in Cr. Misc. No. 65937 of 2021. The petitioner is in custody since 23.02.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries nine criminal antecedents other than the present one but fairly submits on the basis of supplementary affidavit filed on behalf of the petitioner that the petitioner is on bail in six cases out of nine cases.

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 , Vaishali at Hajipur in



connection with Desari P.S. Case No. 116 of 2021, 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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