

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55569 of 2022

Arising Out of PS. Case No.-494 Year-2021 Thana- VAISHALI District- Vaishali

Niraj Rai Son of Rambahadur Rai @ Rambahadur Ray Resident of Village -
Sorhatha, P.S.- Vaishali (Belsar O.P.), Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Namrata Mishra, Advocate.
For the Opposite Party/s : Mr. M.K. Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mrs. Namrata Mishra, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Vaishali (Belsar O.P.) P.S. Case No. 494 of
2021, registered for the offences punishable under Sections 147,
148, 149, 323, 341, 337, 427, 454, 380, 307, 504, 506 and 452
of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on the fardbeyan of the
informant alleging therein that on 11.12.2021 altogether 200-



250 supporters headed by the Mukhiya Birendra Rai armed with various weapons came to the Chowk and started pelting stones and open firing. It is also alleged that on the exhortation made by the co-accused Birendra Rai, they have ransacked the house of various persons and looted away the valuables.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that altogether 71 accused persons have been named in the FIR, apart from the other unknown persons. From the FIR, it appears that no specific allegation has been leveled against the petitioner rather general and omnibus allegation has been leveled against all the accused persons, except Birendra Rai and few others. She further submits that considering the nature of allegation various co-accused persons have been allowed anticipatory bail by learned Co-ordinate Benches of this Court. She next submits that the petitioner is in custody since 06.04.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involved in three other criminal cases and as such he appears to be habitual offender.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of



allegation, apart from the fact that other co-accused having identical allegation have been allowed privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 494 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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