

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58196 of 2023

Arising Out of PS. Case No.-8 Year-2020 Thana- DESARI District- Vaishali

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Raushan Rai @ Raushan Kumar S/O Sudhir Rai @ Sudhir Kumar R/O
Village- Madhaul, Ps. Desari (CHANDPURA), O.P., Dist. Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
28.02.2023 in connection with Desari P.S. Case No. 08 of 2020,
F.I.R. dated 08.01.2020 for the offences punishable under
Sections 120B of the Indian Penal Code and Section 25(1-b)A,
26 and 35 of the Arms Act.

3. According to prosecution case, on a secret
information that some miscreants have assembled near Jogibaba
Asthan, a raid was conducted and one miscreant namely Rahul
Kumar was apprehended and upon search, one country-made
pistol and two live cartridges were recovered from his



possession. Upon inquiry, co-accused Rahul Kumar disclosed the name of petitioner and others, who fled away from there. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case on the basis of disclosure made by the co-accused person, namely, Rahul Kumar. He further submits that from perusal of the FIR as well as seizure list, no incriminating article has been recovered from the possession of the petitioner and except the disclosure made by the co-accused person, no other cogent material has come during investigation to suggests 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 co-accused, namely, Sunny Kumar @ Sanni Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 12.08.2021 passed in Cr. Misc. No. 30171 of 2021 and co-accused, namely, Rahul Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 08.12.2021 passed in Cr. Misc. No. 37154 of 2021. The petitioner is in custody since 28.02.2023.

5. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries nine criminal antecedent other than the present one, but fairly submits that in seven cases the petitioner is on bail.

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, IVth, Vaishali at Hajipur in connection with Desari P.S. Case No. 08 of 2020 , 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)

Prakash Narayan

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