

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59741 of 2022

Arising Out of PS. Case No.-135 Year-2020 Thana- BALIGAON District- Vaishali

RAVINDRA RAI Son of Late Sonelal Rai R/V- Bhagwanpur Kainju, P.S-
Patepur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeswari Singh, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 24-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
29.04.2022 in connection with Baligaon P.S. Case No.135/2020,
F.I.R. dated 27.11.2020, for the offences punishable under
Section 394 of the Indian Penal Code & Section 27 of the Arms
Act.

According to prosecution case, two unknown
miscreants on one Hero HF Deluxe motorcycle stopped the
informant and started snatching money and on protest made by
him, the miscreants fired twice, due to which, one bullet hit his
motorcycle and second bullet hit on his left hand and the
miscreants took away 20000-25000/- from the pocket of the
informant and fled away.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during confessional statement of the co-accused, namely, Ajay Rai and nothing has been recovered from conscious possession of the petitioner. He further submits that till date no T.I.P. has been conducted by the prosecution. He further submits that co-accused namely, Ajay Rai has been granted bail by another co-ordinate Bench of this Court vide order dated 21.12.2021 passed in Cr. Misc. No. 25615/2021 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 29.04.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries nine criminal antecedent other than the present one.

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 J.M.1st Class, Vaishali at Hajipur, in connection with Baligaon P.S. Case No.135/2020, 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 witnesses, 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 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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