

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64001 of 2022

Arising Out of PS. Case No.-287 Year-1996 Thana- INDUSTRIAL AREA District- Vaishali

VISHUNI RAI S/O RAMKHELAWAN RAI Resident of village-
Bhagwanpur, P.S.- Bachhwara, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Industrial
Area P.S. Case No. 287 of 1996 registered for the offence under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

The case appears to be of misuse of privilege of bail.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. In fact, the petitioner has
been granted bail vide order dated 12.12.1996 passed in B.P. No.
1255 of 1996 passed by the learned Sessions Judge, Vaishali but
due to non-appearance and for want of proper representation on
behalf of the petitioner before the court below, the bail bond of
the petitioner has been canceled on 14.07.2017 and NBW was



issued on 19.08.2017 against the petitioner. He further submits that processes under Section 82 and 83 Cr.P.C. have also been issued on 28.03.2018 and 13.06.2018, respectively and the petitioner has been taken into custody on 07.08.2022.

Learned counsel for the petitioner further submits that the petitioner has gone out of the station for his livelihood, therefore, he has failed to make his *parvi* in his case before the court below. There is no deliberate or intentional latches on the part of the petitioner. He further submits that the petitioner undertakes that he will not misuse the privilege of bail in future. The petitioner is rotting in judicial custody since 07.08.2022. Hence, the petitioner, who happens to be sole bread earner of his family, seeks sympathetic consideration of this Court for his release on bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Chief Judicial Magistrate-I, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 287 of 1996/G.R. No. 2269 of 1996 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

U		T	
---	--	---	--

