

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71046 of 2023

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

Bindeshwar Ray S/O Jagdev Ray R/O Village- Sorhatha, P.S- Vaishali (O.P.-
Belsar), Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bipin Chandra, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Vaishali P.S. Case No.494 of 2021, F.I.R. dated 11.12.2021 registered for the offence punishable under Sections 147, 148, 149, 323, 341, 337, 427, 454, 380, 307, 504, 506, 452 of the Indian Penal Code.

3. Allegation against the petitioner is that petitioner along with 250 persons assaulted the informant and her family members.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. Further submits that from perusal of the FIR it appears that there is no accusation of any assault or overt act is attributed against the petitioner, rather there is general and omnibus allegation



against all the accused persons including the petitioner and the specific allegation of assault against the co-accused person, namely, Virendra Rai. Further submits that the co-accused persons, and others have been granted privilege of anticipatory bail vide order dated 10.01.2023 in Cr. Misc. No.61923 of 2022, Cr. Misc. No.63338 of 2022 and vide order dated 19.05.2023 in Cr. Misc. No.13009 of 2023, Cr. Misc. No.13348 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carry one more criminal antecedents other than the present one.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond 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 P.S. Case No.494 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory 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 antecedents, the court below shall take step for cancellation of anticipatory 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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