

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67482 of 2022

Arising Out of PS. Case No.-478 Year-2022 Thana- KANTI District- Muzaffarpur

Vijay Rai S/o Mahendra Ray R/o Village- Sadatpur, P.S.- Kanti, Distt-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Adv.

For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kanti P.S. Case No. 478 of 2022 lodged under Sections 401,
379, 414 of the I.P.C.

As per the prosecution case, there were 2 named
accused persons in the F.I.R. against whom the allegation of
Sections 401, 379 & 414 are there.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Nothing
was recovered from his possession rather under a deep rooted
conspiracy, his name has figured in this case. Counsel further

submits that from the contents of the F.I.R., it transpires that the present F.I.R. has been lodged after lapse of 15 hrs. The seizure list has also been prepared at 10:30 P.M. In seizure list, informant has signed as a witness. Counsel specifically submits that he is in no way concerned with the said motorcycle. Counsel submits that there is one criminal case pending against him in which he is on bail and he is in custody since 14.07.2022. Counsel further submits that offences are magisterial triable in nature. Counsel further submits that there are 2 similarly situated co-accused persons in which one person has been granted bail by the Co-ordinate Bench of this Court vide order dated 16.12.2022. passed in Cr. Misc. No. 54891 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M., 1st, Class, Muzaffarpur (West) in connection with Kanti P.S. Case No. 478 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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