

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74631 of 2022

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

Vijay Rai S/O Musafir Rai R/O Village- Sorhatta, P.S- Vaishali, District-
Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 09-05-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Vaishali
P.S. Case No.494 of 2021 registered for the offence under
Sections 148, 148, 149, 323, 341, 337, 427, 454, 380, 307, 504,
506 and 452 of the Indian Penal Code and Section 27 of the
Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.04.2022.

The allegation against the petitioner is to assault one
Indu Devi's supporter and others alongwith 71 named co-
accused persons, where 200-250 unknown persons were also
made accused, where further allegation is available for pelting
bricks and setting fire to the house of informant. Petitioners



alleged to be equipped with firearms. Co-accused persons including petitioner taken away cash of Rs.8,00,000/- (Rupees Eight Lakh) and jewellery during the course of occurrence as claimed to be in possession of informant.

Learned counsel appearing on behalf of the petitioner submitted that allegation against the petitioner is appearing very much general and omnibus. It is submitted that as petitioner found involved in nine (09) more criminal cases, where he is on bail, out of said suspicion arises out of criminal antecedents, petitioner has also been falsely implicated with present case. It is submitted that though petitioner was alleged to have firearm but allegation of firing is not available. While travelling over the argument it is submitted that similarly situated co-accused have already been granted anticipatory bail by one the learned Co-ordinate Bench of this Court through Cr. Misc. No. 1575 of 2023 vide order dated 08.02.2023. While concluding the argument investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned



above as allegation against this petitioner is appearing very much general and omnibus having no allegation of firing coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 06.04.2022, let above named petitioner is directed to be released on bail in connection with Vaishali P.S. Case No.494 of 2021 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, Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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