

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10198 of 2024

Arising Out of PS. Case No.-357 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Brajesh Rai @ Brajesh Kumar SON OF KAPIL DEV RAI R/O GRAM
NAINHA PS- SADAR DISTRICT- VAISHALI BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2024 Heard Mr. Surendra Kumar Singh, learned counsel
for the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Sadar P.S. Case No. 357 of 2023 instituted under Sections 307, 379/34 of the Indian Penal Code read with section 27 of Arms Act lodged on 19.5.2023 by the informant, Aman Kumar.

3. As per the prosecution story, the informant alleged that when he was returning home from field, the petitioner and unknown persons stopped him and demanded money and upon protest, opened fire hitting him on thigh and further, took away Rs. 1.5 lakhs. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that neither the injury has been found nor it is expected that a person returning from field, will be having Rs. 1.5 lakhs. It is out and



out false implication and only because he has criminal antecedent, has been implicated.

5. Learned APP opposes the prayer.

6. Taking into account the submissions put forward by the parties and as per the learned counsel for the petitioner, no gunshot injury has been found, FIR lodged and ultimately, will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Sadar P.S. Case No. 357 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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