

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13409 of 2024

Arising Out of PS. Case No.-63 Year-2020 Thana- RAGHOPUR District- Vaishali

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SAROJ RAI, SON OF BANARAS RAI R/O- JAFRABAD TOK, P.S.-
RAGHOPUR (RUSHTAMPUR OP), DISTRICT-VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 23-02-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Raghopur (Rushtampur OP) P.S. Case no. 63 of 2020 registered under sections 414 and 34 of the Indian Penal Code.

3. As per allegation in the FIR, on information having been received that the petitioner as also other accused persons had kept stolen motorcycles near their house/hut and were illegally dealing in sale and purchase thereof, a raid was conducted and three motorcycles were recovered from near the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the



case. No incriminating article has been recovered from the petitioner's possession. An error was committed in the earlier bail petition filed by the petitioner in this Court wherein inadvertently his antecedents were not mentioned. However, subsequent thereto a supplementary affidavit was filed stating about the inadvertent error, however this Court by its order dated 22.3.2021 passed in Cr. Misc. no. 31584 of 2020 rejected the application for bail of the petitioner. It is submitted that subsequent to rejection of the application for anticipatory bail of the petitioner, two co-accused Vicky Sah @ Vikky Kumar has been enlarged on anticipatory bail vide order dated 8.7.2022 passed in Cr. Misc. no.58176 of 2021 and Satish Rai @ Satish Kumar has been enlarged on anticipatory bail vide order dated 6.4.2023 passed in Cr. Misc. no.4270 of 2023. As such the petitioner has renewed his prayer for anticipatory bail by filing this application.

5. The application for bail is opposed by learned A.P.P for the State.

6. The prayer for anticipatory bail of the petitioner was rejected vide order dated 22.3.2021 passed in Cr. Misc. no.31584 of 2020 in the following terms:-

“Having heard learned counsel for the parties and on perusal of record, it transpires that by



order dated 29.1.2021 a report with respect to the antecedent of the petitioner had been called for from the Senior Superintendent of Police, Vaishali. The same was received vide letter no. 1185 dated 10.02.2021 and the matter was taken up on 5.3.2021 when prayer for further time was made on behalf of the petitioner. It was subsequently on 15.3.2021 that a supplementary affidavit has been filed on behalf of the petitioner stating about his criminal antecedent which is contrary to the statement made in paragraph no. 3 of the petition wherein it was stated that the petitioner has no criminal antecedent.

In view of the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on anticipatory bail and the same is rejected.”

7. This Court finds that besides the incorrect statement with respect to antecedent of the petitioner having been made in his affidavit/application, inspite of the rejection of the prayer for anticipatory bail by order dated 22.3.2021, the petitioner has continued to abscond for a period of 2 years 11 months and has not surrendered in the learned Court below. In the facts of the case, the Court is of the opinion that no fresh ground is made for reconsideration of the application for anticipatory bail of the petitioner which already stood rejected by the order dated 22.3.2021.

8. The application is dismissed with a direction to the



petitioner to surrender in the learned Court below within a
period of four weeks.

(Partha Sarthy, J)

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