

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17581 of 2024**

Arising Out of PS. Case No.-267 Year-2019 Thana- SARAI District- Vaishali

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Ajay Rai @ Ajay Kumar Rai S/o Shiv Shankar Rai R/o Village- Hasanpur  
Osti, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bela Singh, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      14-03-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
Sarai P.S. Case No. 267 of 2019, lodged on 20.07.2019 under  
Sections 302, 34 of the Indian Penal Code read with section 27  
of the Arms Act.

3. As per the prosecution case, FIR has been lodged  
against five unknown accused persons against whom there is an  
allegation that they have made indiscriminate firing upon the  
brother of the informant and fled away from the place of  
occurrence.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that nothing incriminating has been recovered from the possession of the petitioner and his name has been figured in this case only by virtue of confessional statement of the co-accused. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are nineteen criminal cases pending against him in which in fourteen cases, he is on bail and in rest, he is persuading for bail. The petitioner is in custody since 21.02.2021 in the present case.

5. Learned counsel for the petitioner submits that co-accused Biru Bhagat has been granted bail by the Co-ordinate Bench of this Court *vide* order dated 18.01.2021 passed in Cr. Misc. No.28570 of 2020 as mentioned in paragraph no.17 of the bail application.

6. Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean and there are nineteen criminal cases pending against him. This aspect may be taken into consideration while considering the bail application of the petitioner.

7. In the present facts and circumstances of this case



and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Vaishali at Hajipur in connection with Sarai P.S. Case No. 267 of 2019, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

- ◆ Bidupur P.S. Case No. 220 of 2016.
- ◆ Bidupur P.S. Case No. 183 of 2016.
- ◆ Hajipur Nagar P.S. Case No. 673 of 2016.
- ◆ Hajipur Sadar P.S. Case No. 269 of 2016.
- ◆ Hajipur Nagar P.S. Case No. 672 of 2016.
- ◆ Hajipur Sadar P.S. Case No. 146 of 2016.
- ◆ Hajipur Town P.S. Case No. 651 of 2016.
- ◆ Lalganj P.S. Case No. 238 of 2016.
- ◆ Patepur P.S. Case No. 71 of 2016.
- ◆ Sarai P.S. Case No. 121 of 2013.
- ◆ Sarai P.S. Case No. 265 of 2019.
- ◆ Sarai P.S. Case No. 268 of 2019.
- ◆ Mahua P.S. Case No. 33 of 2013.
- ◆ Mahua P.S. Case No. 286 of 2016.
- ◆ Mahua P.S. Case No. 265 of 2019.
- ◆ Mahua P.S. Case No. 112 of 2020.



- ◆ Jandaha P.S. Case No. 205 of 2014.
- ◆ Bhagwanpur P.S. Case No. 09 of 2020.
- ◆ Bhagwanpur P.S. Case No. 14 of 2020.

**(Dr. Anshuman, J.)**

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