

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18589 of 2024

Arising Out of PS. Case No.-382 Year-2023 Thana- CHIRAIYA District- East Champaran

Rakesh Rai S/o- Mangal Rai @ Mangal Ray Village- Aamgachhi Ps- Chiraiya
Dist- E.Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Chiraiya P.S. Case No.382 of 2023, lodged on 10.08.2023, under Sections 399/402 of the Indian Penal Code and under Sections 25(1-b)/A/26/35 of the Arms Act.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioner. The allegation made in the FIR is that upon raid, the police party tried to apprehend the accused persons in which one accused, namely, Guddu Rai, was apprehended by the police and from his possession one country-made pistol loaded with four live cartridges were recovered, who disclosed the name of accused persons who succeeded in fleeing away.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that his name has figured in this case by virtue of apprehended accused. Counsel submits that petitioner has not been apprehended from the place of occurrence and nothing has been recovered from his possession. He submits that his name was inserted at the instance of police due to the reason that his criminal antecedent is not clean. Counsel further submits that two named accused persons similarly situated as like of the present petitioner have been granted bail by this Court vide orders dated 24.01.2024 and 24.07.2024 passed in Cr. Misc. Nos.2055 and 52131 of 2024.

5. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean and this aspect may be taken.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed, as well as on being satisfied that petitioner is not absconding in the following cases, i.e., (i) Chiraiya P.S. Case No.332 of 2023, (ii) Chiraiya P.S. Case No.329 of 2023, (iii) Chiraiya P.S. Case No.235 of 2023, (iv) Chiraiya P.S. Case**



No.562 of 2023, (v) Chiraiya P.S. Case No.323 of 2023, (vi) Chiraiya P.S. Case No.316 of 2023 and (vii) Chiraiya P.S. Case No.324 of 2023, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sikarhana at Dhaka, East Champaran, in connection with Chiraiya P.S. Case No.382 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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.

(Dr. Anshuman, J)

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