

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25877 of 2024

Arising Out of PS. Case No.-303 Year-2023 Thana- VAISHALI District- Vaishali

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Golu Kumar Rai@ Nitesh Kumar SON OF Virendra Rai @Birendr Ray
Village- Sarariya PS- Lalganj District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Vaishali P.S. Case No. 303/2023 lodged on 15.07.2023 under
Sections 399, 402 of the Indian Penal Code and Section 25(1-
B)a, 26, 35 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against 11 named accused persons, including the present
petitioner alleging therein that the police upon secret informant
to the effect that some miscreants have gathered at a particular
place and are planning to commit some serious crime, raided
that place and apprehended six persons. On search being made
from the possession of some of the accused persons, arms have
been recovered.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner has not been apprehended from the place of occurrence, rather his name has figured in this case by virtue of confessional statement made by the apprehended co-accused persons. Nothing has been recovered from the possession of the petitioner. He further submits that the petitioner is accused in six more criminal cases is in custody since 09.02.2024 and the chargesheet has already been filed.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, **but only after framing of charge, if not framed** and on being satisfied by the trial Court that the petitioner is not absconding in (I) Lalganj P.S. Case No. 76/2019; (2) Lalganj P.S. Case No. 355/2019; (3) Lalganj P.S. Case No. 354/2021; (4) Hajipur Sadar P.S. Case No. 499/2022; (5) Vaishali P.S. Case No. 264/2023 and (6) Lalganj P.S. Case No. 431/2023, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Vaishali at Hajipur, 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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