

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39820 of 2024

Arising Out of PS. Case No.-170 Year-2019 Thana- RAJAPAKAR District- Vaishali

Rajnikant S/O Chandeshwar Rai R/O North Gangajal, Panchayat-Bakarpur,
P.S. Rajapakar, Dist-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Rajapakar P.S. Case No. 170 of 2019 dated 16.07.2019, lodged
under Section 392 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against three unknown accused persons against whom there is
an allegation that they have committed robbery from the
informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the name of the petitioner has been figured in
this case only by virtue of the confessional statement of the
co-accused. Counsel further submits that nothing incriminating



has been recovered from the petitioner's possession nor he was put on TIP. Counsel submits that the petitioner has falsely been implicated in this case due to the reason that his criminal antecedent is not clean.

5. Learned counsel for the petitioner submits that the criminal antecedent of the petitioner is not clean and there are 8 criminal cases pending against him in which in some cases, he is on bail and in some cases, he is persuading for bail. The petitioner is in custody since 21.10.2022 in the present case. Counsel further submits that other co-accused person has been granted bail by this Court *vide* order dated 19.10.2023 passed in Cr. Misc. No.68432 of 2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean as there are total 8 criminal cases pending against him and this aspect must be taken into consideration while considering the bail application of the petitioner.

7. In the present facts and circumstances of this case, let the petitioner above named be granted bail, but only after framing of charge, if not framed as well as on being satisfied by the Trial Court that the petitioner is not absconding in any of the



cases pending against him whose details are mentioned below, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 170 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. Pending cases against the petitioner are as follows:-

- Rajapakar P.S. Case No. 195 of 2018.
- Rajapakar P.S. Case No. 137 of 2019.
- Rajapakar P.S. Case No. 193 of 2019.
- Rajapakar P.S. Case No. 199 of 2019.
- Rajapakar P.S. Case No. 200 of 2019.
- Jandaha P.S. Case No. 185 of 2019.
- Bidupur P.S. Case No. 338 of 2019.
- Desari P.S. Case No. 198 of 2020.

(Dr. Anshuman, J)

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