

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46427 of 2024

Arising Out of PS. Case No.-265 Year-2019 Thana- SARAI District- Vaishali

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Ajay Rai @ Ajay Kumar S/O Shiv Shankar Rai @ Akhilesh Kumar Singh
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.Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 30-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sarai P.S. Case No.265 of 2019 lodged under Section 393 of the
I.P.C. read with sections 25(1-b)a, 26, 35 and 27 of the Arms
Act.

3. As per the prosecution case, the F.I.R. has been
lodged against the petitioner and two unknown accused persons
against whom there is allegation that they have committed
robbery to the informant and snatched his money on gun point.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that under conspiracy, case has been lodged against him and
only due to the reason that there are 20 criminal cases pending



against him. He further submits that the petitioner is in custody since 22.07.2021 having 20 criminal antecedent in which he is on bail only in 15 cases.

5. Counsel further submits that the offence under which the petitioner has been charged, is magisterial triable in nature. He further submits that other accused persons have been apprehended from the place of occurrence and on his disclosure, name of the petitioner has been figured in this case. He also submits that the petitioner is ready to fulfill all the condition whatsoever shall be imposed upon him.

6. Learned counsel for the State opposes the prayer for bail and submits that one of the named accused person has been apprehended from the place of occurrence when public at large has caught and brutally assaulted him. He further submits that the petitioner is not named in the F.I.R., but his name has come by virtue of statement of the apprehended accused persons.

7. Counsel further submits that the petitioner's antecedent is not clean. There are 20 criminal cases pending against him and this aspect may be taken into consideration.

8. It transpires to this Court that there are 21 criminal cases pending against the petitioner including the present one. If



any further case shall be lodged against the petitioner, then it shall be definitely lodged under the provision of *Bharatiya Nyaya Sanhita* and trial has to be concluded in the light of *Bharatiya Nagarik Suraksha Sanhita*.

9. Since the present case is magisterial triable in nature, and therefore, in the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but 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 which are 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 Addl. Chief Judicial Magistrate-16, Vaishali at Hajipur in connection with Sarai P.S. Case No.265 of 2019, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

10. The details of the cases which are pending against the petitioner, are as follows:-

- i. Bidupur P.S. Case No. 220 of 2016.
- ii. Hajipur Town P.S. Case No. 673 of 2016.
- iii. Hajipur Sadar P.S. Case No. 269 of 2016.



- iv. Bidupur P.S. Case no. 183 of 2016.
- v. Hajipur Nagar P.S. Case No. 672 of 2016.
- vi. Lalganj P.S. Case No. 238 of 2016.
- vii. Patepur P.S. Case No. 71 of 2016.
- viii. Hajipur Sadar P.S. Case No. 146 of 2016.
- ix. Sarai P.S. Case No. 121 of 2013.
- x. Mahua P.S. Case No. 33 of 2013.
- xi. Jandaha P.S. Case No. 205 of 2014.
- xii. Mahua P.S. Case No. 286 of 2016.
- xiii. Bhagwanpur P.S. Case No. 09 of 2020.
- xiv. Bhagwanpur P.S. Case No. 14 of 2020.
- xv. Sarai P.S. Case No. 267 of 2019.
- xvi. Mahua P.S. Case No. 265 of 2019.
- xvii. Mahua P.S. Case No. 112 of 2020.
- xviii. Hajipur Town P.S. Case No. 651 of 2016.
- xix. Jandaha P.S. Case No. 11 of 2020.
- xx. Sarai P.S. Case No. 268 of 2019.

(Dr. Anshuman, J.)

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