

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66225 of 2024

Arising Out of PS. Case No.-895 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Surya Rai @ Suraj Rai Son of Mr. Binod Rai village- Jiyalal Chowk, Nazipur,
Ps- Ahiyapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Praveen Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-10-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner, Mr. Praveen Kumar, learned counsel appearing on behalf of the informant as well as Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 29.07.2024 in connection with Sessions Trial No. 915 of 2023 arising out of Ahiyapur P.S. Case No. 895 of 2022, F.I.R. dated 07.10.2022 for the offences punishable under Sections 147, 149, 341, 342, 323, 324, 325, 307 and 302 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. Earlier the bail application of the petitioner was allowed vide order dated 12.09.2023 passed in Cr. Misc. No. 45349 of 2023 but thereafter, the bail bond of the petitioner was



cancelled on the ground that the petitioner has concealed his criminal antecedent.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that there is no eye witness of the alleged occurrence and except the suspicion, no other material has come during investigation which suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Ajay Rai and Vinod Rai have been granted bail by this Court vide order dated 17.03.2023 passed in Cr. Misc. No. 18996 of 2023 and order dated 21.03.2023 passed in Cr. Misc. No. 20038 of 2023 respectively. The petitioner is in custody since 29.07.2024.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that earlier the petitioner has not came with clean hands and he has concealed his criminal antecedent and on the basis of the petition filed by the informant, the bail bond of the petitioner has been cancelled. They further submits that one Rohit Kumar has stated that all the accused persons have committed the crime in question.



6. Considering the aforesaid facts and circumstances that the petitioner has earlier been granted bail by this Court and his bail bond has been cancelled because he has concealed his criminal antecedent and out of 10 cases the petitioner is on bail in 9 cases, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-X, Muzaffarpur in connection with Sessions Trial No. 915 of 2023 arising out of Ahiyapur P.S. Case No. 895 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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