

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73390 of 2024

Arising Out of PS. Case No.-11 Year-2020 Thana- JANDAHA District- Vaishali

Ajay Rai @ Ajay Kumar, S/o Shiv Shankar Rai @ Akhilesh Kumar Singh,
R/o village- Hasanpur Osti, PS- Mahua, District- Vaishali

... .. Petitioner

Versus

The State of Bihar ,

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Jandaha P.S. Case No.11 of 2020 registered for the offence punishable under Section 392 of the Indian Penal Code.

3. The accused/petitioner is not named in the FIR and is in custody since 24.04.2024.

4. Allegation against the petitioner is to commit dacoity along with other co-accused persons and while committing so, looted Bolero pick up vehicle loaded with medicines while on way of Patori from Patna, mobile phones, bag containing papers of medicines and cash with the



informant.

5. It is pointed out by learned counsel appearing for the petitioner that the name of this petitioner transpired on the basis of confessional statement of co-accused, namely, Adarsh Kushwaha @ Guddu Bihari, where in furtherance of said confessional statement, no incriminating material recovered/surfaced during the course of investigation, which may connect petitioner with present occurrence of dacoity. It is pointed out that said co-accused Adarsh Kushwaha also granted bail by one of the learned co-ordinate Bench of this Court vide order dated 12.10.2020 passed in Cr. Misc. No.26631 of 2020. It is submitted by learned counsel that petitioner was not put on T.I.P. as yet. Learned counsel further submitted that as petitioner found involved in 20 more criminal cases, due to said suspicion, arising from his criminal antecedents, he was made accused in this case falsely, where in maximum of these cases, the name of petitioner transpired on the basis of confessional statement as of the present case, having otherwise no evidentiary value under the law. It is pointed out that in maximum of cases, the petitioner are on



bail. It is submitted that the criminal antecedents of the petitioner should not be the sole criteria for rejecting the prayer of bail, as learned trial court while rejecting the prayer of bail of this petitioner mainly considered his criminal antecedents. In support of his submission, learned counsel has relied upon legal report of Hon'ble Supreme Court as passed in the matter of **Prabhkar Tiwari vs. State of U.P. [(2020) 11 SCC 648]**. While concluding argument, it is submitted that investigation of this case already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner and submitted that petitioner found involved in 18 cases.

7. In view of above-mentioned facts and circumstances and by taking note of fact that save and except suspicion arising out of confession of the co-accused, nothing incriminating *prima facie* appears against this petitioner except his criminal antecedents, where in maximum of cases, he is on bail, where his name appears to be transpired on the



basis of confessional statement, having no evidentiary value under the law, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 24.04.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Vaishali at Hajipur in connection with Jandaha P.S. Case No.11 of 2020, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J)

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