

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83014 of 2024

Arising Out of PS. Case No.-536 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

Vijay Rai @ Vijay Kumar Son of Toka Rai Resident of Roopchhapara, P.S. -
Sahebganj, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-01-2025 Heard Mr. Raju Kumar, learned counsel for the petitioner and Mr. Suresh Prasad Singh, learned APP for the State.

2. Petitioner seeks regular bail in connection with Sahebganj P.S. Case No. 536/ 2022 dated 13.11.2022 registered for the offence(s) punishable under Section(s) 399, 402 and 414 of the IPC and sections 25(1B)a, 26 and 35 of the Arms Act.

3. The main submissions advanced by learned counsel for the petitioner are that the instant matter relates to making preparations for committing the offence of loot, dacoity and keeping firearms in possession but admittedly, the petitioner was not apprehended at the spot and his name surfaced in the confessional statement of co-accused, Ranjeet Kumar and Vicky Kumar, who were apprehended at the spot, and except this there is no material against the petitioner to connect him in the alleged crime. It is further submitted that co-accused Ranjeet Kumar, who was apprehended at the spot, has been granted bail by this court vide order dated 24.07.2023 passed in Cr. Misc.



No. 43879 of 2023. It is further submitted that though against this petitioner, there are criminal antecedents of ten cases but he has got bail in all the said cases and the investigation against him has been completed and he has been chargesheeted mainly on the basis of confessional statement of apprehended co-accused at the spot.

4. Though, learned APP appearing for the State has opposed the bail prayer of the petitioner but fairly accepted that against this petitioner, there is no material in the case diary except the confessional statement of co-accused. However, learned APP submits that co-accused, Ranjeet Kumar is not appearing before the trial court in regular manner in order to avoid the framing of charges upon him and there is great possibility of misuse of privilege of bail by the petitioner if he is enlarged on bail in view of the conduct of the said co-accused, Ranjeet Kumar as well as in view of the long criminal antecedents of this petitioner.

5. Heard both the sides and perused the FIR.

6. Though, the instant matter relates to the serious offences of the IPC but after perusing the case diary, the learned APP has fairly accepted that except the confessional statement of co-accused, there is nothing against this petitioner, so, in view of this position, it will not be proper to keep the petitioner in judicial custody mainly on the basis of confessional statement of the co-accused given before the police and it is also important to mention that co-accused, Ranjeet Kumar, who was apprehended at the spot, has been granted bail by this court, so, in view of these circumstances, this court is inclined to grant the relief of bail to the petitioner. Accordingly, let the petitioner named-above be released on bail in connection with Sahebganj



P.S. Case No. 536/ 2022 on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

7. In view of apprehension raised by the learned APP appearing for the State with regard to the possibility of misuse of privilege of bail by this petitioner, the petitioner shall be released on bail **after framing of charges** and the learned trial court is directed to take steps with regard to framing of charges upon the petitioner, in accordance with law, as early as possible.

(Shailendra Singh, J)

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