

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2421 of 2025

Arising Out of PS. Case No.-280 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Rakesh Rai @ Rakesh Kumar S/o Hareshwar Rai @ Haresh Rai R/o Village-
Karnpura, P.S.- Ganga Bridge, District- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Hajipur Sadar PS Case No. 280 of 2019 dated 10-05-2019, instituted for the offence punishable under Sections 147,148,149 & 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation, the FIR named accused persons including the petitioner made firing upon the informant, as a result of which, he sustained gunshot injury.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated in this case. It is submitted that there is no specific allegation against the petitioner rather the allegation is general and omnibus in nature. The allegation of firing has been attributed against all the



FIR named seven accused persons including the petitioner. Further submission is that due to his criminal antecedents, his bail application has been rejected by the learned court below. Lastly, it has been submitted that six criminal cases are pending against the petitioner. Petitioner is in custody since 28-08-2024.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Vaishali at Hajipur, in Hajipur Sadar PS Case No. 280 of 2019, subject to the following conditions:- (i) that the petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present



case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

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