

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34690 of 2015

Arising Out of PS.Case No. -177 Year- 2009 Thana -MADANPURA District- AURANGABAD

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1. Kail Prajapati @ Satyanarayan Prajapati @ Har Govind Prajapati @ Akash Jee S/o Inderdeo Prakapati r/o village Ajan, P.S. - Goh in the district of Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 23-11-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offences punishable under Sections 147,148, 341, 427 of the Indian Penal Code, 3 / 4 of Explosive Substance Act and 17 CLA Act.

Allegedly, the petitioner exploded bomb and blew Airtel Tower and the police personnel saw 20-25 persons armed with weapons in black uniform and they were taking the name of the petitioner and other co-accused while fleeing away.

Submission is of false implication and that prosecution story appears to be not probable and reliable. The petitioner has been made accused only on suspicion. It is not believable that at the time of fleeing away the other co-accused was taking the name of his associates. In this case co-accused, Lala Yadav @ Mohan Jee @ Mohan Yadav, whose name is also in the FIR, has already been allowed bail vide Cr. Misc. No. 33323 of 2013 by order dated

30.10.2013 and the petitioner is suffering in custody in this case since 15.06.2015, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. opposes the prayer of bail by submitting that other co-accused, namely, Mohan Yadav, confessed his guilt stating the name of his associates and the petitioner.

In the facts and circumstances, as stated above, the petitioner, Kail Prajapati @ Satyanarayan Prajapati @ Har Govind Prajaqpati @ Akash Jee, is directed to 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 learned C.J.M., Aurangabad in Madanpur P.S. Case No. 177/09, subject to the conditions that one of the bailors must be a near relative having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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