

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33623 of 2016

Arising Out of PS.Case No. -8 Year- 2006 Thana -ROSHANGANJ District- GAYA

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Vijay Kumar Arya Son of Late Ramjatan Singh Yadav Resident of Village-
Karma P.S.- Konch, Distt- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

6 21-11-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Section 307 and other allied sections of

the Indian Penal Code, Section 34 of Explosive Substance Act as

well as Section 17 of C.L.A. Act.

Petitioner is named in the first information report

with some other accused but informant only claims to this extent

that petitioner and 8 named accused as well as 500 to 600

unknown extremists had planted explosive device. In course of

investigation, not a single witness claimed to have seen the

petitioner planting explosive device on the place of occurrence. It

appears that petitioner does have criminal antecedent of near about



ten cases and he could be remanded in this case on 22.09.2015 but submission on behalf of the petitioner is that petitioner was earlier sent to jail in connection with Barsoi P.S. Case No. 74 of 2011 on 01.05.2011 and from the aforesaid case, he was remanded in the present case. It is further submitted that so far as criminal antecedent of the petitioner is concerned, almost all the cases have been lodged against the petitioner only on the basis of suspicion. It is further submitted that co-accused, Brahmdeo Paswan and Chhedi Paswan have already been granted privilege of bail and the case of petitioner is on similar footing to that of co-accused persons.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Sherghati, Gaya in connection with Raushanganj (Banke Bazar) P.S. Case No. 08 of 2006, subject to condition that he shall attend the trial court on each and every date in person for the period of one year or till conclusion of his trial whichever is earlier and if he fails to do so on two consecutive dates without any genuine cause, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner. Furthermore,

petitioner shall appear before the Officer in charge of Raushanganj (Banke Bazar) Police Station, District- Gaya on the first week of each month for the above stated period of one year and if he fails to do so, the concerned court may cancel the bail bonds of the petitioner after due and proper enquiry.

(Hemant Kumar Srivastava, J)

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