

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38326 of 2016

Arising Out of PS.Case No. -247 Year- 2014 Thana -POTHIYA District- KISANGANJ

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Bhoda @ Bhadr Lal Rai @ Kalu, Son of Late Arup Lal, Resident of Village- Jagdishpur, P.S. Karandighi, District- Uttar Dinajpur (W.B.).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party : Mr. Sri Tarkeshwar Nath Thakur (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 03-10-2016 Heard learned counsel for the petitioner and the learned counsel representing the State.

The petitioner seeks bail in connection with Pothia P.S Case No. 247 of 2014 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and section 3/4/5 of Explosive Substance Act.

Allegedly, Mumtaz Ali along with 25-30 miscreants were making plan of commit dacoity, in the meantime bomb exploded, resulting, two miscreants died and Mumtaz Ali was seriously injured and other fled away and Mumtaz Ali disclosed the name of the petitioner also.

Submission is of false implication and that besides the confessional statement of co-accused there is nothing against

the petitioner, in this case similarly situated co-accused Fazlu Rehman has been allowed bail vide Cri. Misc. No. 47076 of 2015 by order dated 15.10.2015 and the petitioner is suffering in custody since 19.05.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. fairly submits that co-accused Fazlu Rehman has been allowed bail.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Kishanganj in connection with Pothia P.S. Case No. 247 of 2014, subject to the conditions that one of the bailors must be a near relative and another 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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