

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39333 of 2016

Arising Out of PS.Case No. -204 Year- 2014 Thana -KOTWALI District- MUNGER

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Suraj Sah @ Jharkhawa @ Hharkahwa @ Suraj Kumar, Son of Ramotar Sah, resident of Village-Ghosi Tola, Police Station-Kasim Bazar, District-Munger

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Manish Kumar -2, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 20-09-2016 Heard learned counsel for the petitioner and learned counsel for the State.

2. In this case, the petitioner is seeking regular bail in connection with Sessions Trial No.172 of 2016, arising out of Kotwali P.S. Case No.204 of 2014, registered for the offence punishable under Sections 387, 307 and 120B/34 of the Indian Penal Code as well as under Section 3/4 of the Explosive Substance Act.

3. The petitioner is accused in 24 other cases. In this case, one Vaijnath Bhagat has received call for extortion. In the mid night two persons exploded the bomb. During investigation, the name of the petitioner has surfaced in the

confessional statement of one Deepu Kumar, who was also made an accused in this case.

4. Learned counsel for the petitioner submits that save and except the confessional statement of Deepu Kumar, nothing is there to connect the petitioner with the crime in questions, so much so that explosion took place in the mid night. He further submits that that Deepu Kumar and other four persons have been granted bail by the Coordinate Benches of this Court.

5. The petitioner is in jail since 29.02.2016.

6. Having considered the facts and circumstances of the case, let the petitioner-Suraj Sah @ Jharkhawa @ Hharkahwa @ Suraj Kumar, 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 the A.D.J., 5th, Munger, in connection with Sessions Trial No.172 of 2016, arising out of Kotwali P.S. Case No.204 of 2014, subject to the conditions that:-

(i) one of the bailors will be a close relative of the petitioner i.e. mother/father/ wife/son of the petitioner;

(ii) if the petitioner is found involved in

similar type of case in future, the prosecution will be at liberty to make prayer for cancellation of his bail and the Court below will pass necessary order, including cancellation of bail;

(iii) that the petitioner would participate in the court proceeding and in the event of being absent on two consecutive dates without reasonable explanation, the court below will be at liberty to cancel the bail bonds of the petitioner and ;

(iv) that the petitioner shall mark his presence before the Superintendent of Police, Munger, within fifteen days of his release with a copy of this order and every two weeks thereafter for next six months.

7. The conduct of the petitioner will be kept under watch in the aforesaid period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned which should be granted by the Superintendent of Police upon his appearance.

8. It is the duty of the bailor to ensure the appearance of the petitioner every two weeks in the office of the Superintendent of Police, failing which, the authority will have a liberty to take action against the petitioner including cancellation of the bail bonds of the petitioner.

(Shivaji Pandey, J)

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