

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53707 of 2017

Arising Out of PS.Case No. -148 Year- 2014 Thana -BARACHATTI District- GAYA

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Rakesh Paswan, Son of Shiv Nandan Paswan, Resident of Village-
Dhangain, Police Station-Barachatti, District-gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
28.02.2017 in connection with Barachatti P.S. Case No. 148 of
2014 for offences punishable under Sections 147, 148, 149, 307,
120(B) of the Indian Penal Code, Section 3, 4, 5 of Explosive
Substance Act and Section 13, 16, 18, 20 of the U.A.P. Act.

The prosecution case, as lodged by the police
personnel, is that 5kg bomb was implanted at two places to
obstruct the Lok Sabha Election, 2014. The petitioner's name has
surfaced at the instance of the villagers.

It has been submitted by the learned counsel for the
petitioner that he is innocent, no overt act has been committed and
just because he has a criminal antecedent, he has been made



accused in the present case. There are thirteen named accused including the petitioner and general and omnibus allegations have been levelled.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a member of M.C.C. gang and as many as eight cases are pending against him of similar nature.

The petitioner had earlier moved before this Court for grant of bail in Cr. Misc. No. 22436 of 2017 which was rejected vide order dated 23.06.2017.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Additional District & Sessions Judge 1st, Gaya in connection with Barachatti P.S. Case No. 148 of 2014, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his



relationship with the petitioner.

(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(4) The petitioner will also appear before the concerned police station in the first week of every month till one year and will be disallowed to appear on a certificate given by the Superintendent of Police of the concerned District.

(Nilu Agrawal, J)

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