

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6705 of 2019

Arising Out of PS. Case No.-367 Year-2016 Thana- BETTIAH CITY District- West
Champaran

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KALLU PATEL @ RAMBABU PATEL, Son of Sri Daroga Patel, Resident of
Village-Chargaha, P.S.- Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr.Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
19.03.2018 in a case registered for the offence punishable
under Section 387 of the Indian Penal Code and Sections 3/4
of the Explosive Substances Act.

The prosecution case got initiated on the basis of
written report dated 12.07.2016 submitted by Motilal Prasad to
the Station House Officer, Town Police Station, Bettiah is to
the effect that on 11.07.2016 at 9.00 P.M. during investigation,
the informant, being the night guard of Sai Sanjivani, Hospital,
heard the explosion sound. In the next morning, he found a
pamphlet of Royal Group through which extortion was



demanded, leading to registration of FIR against unknown. During investigation, the name of the petitioner sprang upon the confessional statement of co-accused, Kunal Thakur.

It is submitted by learned counsel for the petitioner that except the confessional statement of co-accused, no material has been collected against the petitioner during investigation. Moreover, even assuming the accusation levelled in the FIR to be true, no offence either under Section 387 of the I.P.C., nor under Sections 3/4 of the Explosive Substances Act is made out. It is further submitted that the investigation has already been concluded and co-accused, Kunal Thakur on whose confession, the petitioner's name sprang up in the present case, has been granted bail by a Co-ordinate Bench of this Court, vide order dated 16.01.2019, passed in Criminal Miscellaneous No. 79882 of 2018, while the other similarly situated co-accused have been granted bail by different Co-ordinate Benches of this Court vide order dated 30.11.2018 passed in Criminal Miscellaneous No.59240 of 2018, vide order dated 26.10.2018, passed in Criminal Miscellaneous No.63268 of 2018 and vide order dated 07.12.2018, passed in Criminal Miscellaneous No.71900/2018. It is further submitted that though the petitioner is accused in



five other cases apart from the present case, but in all the cases he has been granted bail.

Learned APP for the State submits that the name of the petitioner sprang up on the confession of co-accused.

Considering the fact that the investigation has already been concluded and similarly situated co-accused have been granted bail, let the above named petitioner 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 CJM, West Champaran at Bettiah in connection with Bettiah Town P.S. Case No. 367 of 2016.

Since the petitioner has serious criminal antecedent, learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions or gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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