

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74953 of 2019

Arising Out of PS. Case No.-92 Year-2018 Thana- BARACHATTI District- Gaya

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Dhananjai Das @ Dhanjay Das S/O Late Chalitar Das @ Charitar Ravidas,
R/O village- Jai Bigha, P.S.- Gurua, District- Gaya.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Barachati P.S. Case No. 92 of 2018 registered for the offences punishable under Sections 147, 148, 149, 212, 384, 386, 401, 427, 435 of the Indian Penal Code, 17 C.L.A. Act and Sections 3/4/5 of the Explosive Substance Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is named in the FIR on the basis of extra judicious statement of co-accused before the police. Except the confession statement of co-accused before the police no any evidence available on record to show the involvement of the petitioner in the alleged crime. Learned



counsel further submits that similarly situated co-accused have been granted regular bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 5665 of 2019 and Cr. Misc. No. 29317 of 2018 and petitioner is in custody since 04.02.2018.

Learned A.P.P. for the State has opposed the prayer for bail, however, he does not deny the fact that the case of the petitioner is similarly situated to those who have been granted privilege of regular bail by a learned Co-ordinate Bench of this Court.

Considering the facts and circumstances of the case, wherein it is submission of learned counsel for the petitioner that the name of the petitioner has transpired in the confessional statement of co-accused Sanjay Reddi whose name had also transpired in the statement of another co-accused Ashok Mahto. The Adhar Card of Ashok Mahto was found on the alleged place of occurrence. The said Ashok Mahto and Sanjay Reddi have been granted regular bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 5665 of 2019 and Cr. Misc. No. 29317 of 2018 and learned APP for the State does not deny the fact that the case of the petitioner is similarly situated to those who have been granted privilege of regular bail by a learned Co-ordinate Bench of this Court, let the petitioner above named be released



on bail in connection with Barachatti P.S. Case No. 92 of 2018 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati, Gaya, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

vats/ved

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