

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73330 of 2019

Arising Out of PS. Case No.-60 Year-2017 Thana- PHULWARIA District- Begusarai

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Parshuram Mahto @ Parso, male, age-37 years, S/o Sahdeo Mahto R/o village- Phulwaria-1, Ward No.- 05, P.S.- Phulwaria, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 17-03-2020

The petitioner, who is in custody since 04.09.2019, seeks bail in connection with Phulwaria P.S. Case No. 60 of 2017, dated 18.05.2017, instituted for the offences under Sections 387 and 307 of the Indian Penal Code and $\frac{3}{4}$ of the Explosive Substance Act.

The narrative in the First Information Report depicts that while the informant was present in a godown, there was an incendiary explosion, leading to injuries on him. In the same breath, the informant has stated that the owner of the godown had disclosed in the past that he was being pressurized for giving protection money by Rajiv Yadav, the petitioner and about five six of their other associates.



Learned counsel for the petitioner has submitted that this is a vague information which cannot solely be relied upon for keeping the petitioner in continued incarceration.

It has further been submitted that one similarly situated accused person namely Rajiv Yadav has been granted bail by a Bench of this Court *vide* order dated 18.12.2018 passed in Criminal Misc. No. 75456 of 2018.

It has also been pointed out to this Court that the petitioner has been made accused in two other cases about which reference has been given in paragraph 3 of the bail petition and in both the cases, the petitioner has been granted bail. Only after being granted bail in those cases, the petitioner has been remanded in the present case.

This Court has also perused the statement of the owner of the godown who also has made similar statement but without there being any evidence in support of the same. Such statement cannot be relied upon, it has been argued, on the sole ground that when such protection money was demanded from him by some known miscreants, the owner of the godown ought to have lodged criminal case against them.



Considering the nature of accusation against the petitioner and his period of custody, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of J.M. 1st Class, Begusarai in connection with Phulwaria P.S. Case No. 60 of 2017.

The application stands allowed.

(Ashutosh Kumar, J)

GAURAV S./-

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