

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18216 of 2021**

Arising Out of PS. Case No.-157 Year-2017 Thana- CHANDAN District- Banka

Dikalu Rai @ Daklu Rai Son of Late Bhado Rai Resident of Village-Hardia,
P.S.-Chandan, District-Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 02-12-2021 Let the defects, if any, be removed within four weeks
of the complete start of the Physical Court.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Chandan (Anandpur) P.S.Case No. 157 of 2017
for the offences punishable under Section 121,121A,120B and
35 of the Indian Penal Code and ³/₄ of Explosive Substance Act,
section 16,17,18,19,20,21,22 of UAP Act and 17 of the CLA
Act.

As per prosecution case, it appears from the first
information report that one Naxali Parwati Devi was arrested
by the police with explosive substances in a suspicion condition
and she disclosed Naxal community has given explosive



substances and some other substance used for preparation of Bomb.

Learned counsel for the petitioner submits that the name of petitioner came in confessional statement of one Parwatiya Devi. Nothing has been recovered from conscious possession of the petitioner. Petitioner is in jail custody since 18.02.2018. Learned counsel further submits that on similar footing other co-accused person namely, Parwati Devi @ Parwatiya Devi@ Kewli Devi in Cr. Misc. No. 48025 of 2018, Prem Ray in Cr. Misc. No. 52794 of 2018 , Yugal Roy in Cr. Misc. No. 19220 of 2021 and Bhalku Khaira in Cr. Mis No. 11545 of 2020 have been granted bail by Co-ordinate Bench of this Court respectively

The learned A.P.P opposed the prayer for bail of the petitioner and submits that except this case, petitioner is having three cases of same nature, which manifests in Paragraph-3 of the petition.

The trial court has reported vide letter dated 03.11.2021 that cognizance has been taken in this case on 23.10.2021 and the case record has been committed on 25.10.2021. The case is fixed for framing of charge on 01.12.2021.



Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioner, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Banka in connection with Chandan (Anandpur) P.S. Case No. 157 of 2017, subject to the following conditions;-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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