

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10475 of 2021**

Arising Out of PS. Case No.-7 Year-2011 Thana- DHIBRA District- Aurangabad

Satendra Paswan S/o Late Mohan Paswan R/o Village Nimidih, P.S. Dhibra,
District Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-05-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Nagendra Prasad, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Dhibra P.S. Case No. 07 of 2011 registered for the offences punishable under Section 144, 427 and 120(B) of the Indian Penal Code, Section 3/5 of Explosive Substance Act, Section 17 of CLA Act and Section 3 of Public Property Damage Prevention Act.

Learned counsel for the petitioner submits that as per the written report of the informant, the villagers informed him that some extremists have made explosion in the school due to which school property got damaged. On the basis of this written statement FIR against unknown persons was registered.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner has transpired in the confessional statement of co-accused Amrendra Kumar Yadav. The petitioner is in custody since 17.02.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that save and except the confessional statement of the co-accused there is no other materials against the petitioner, the petitioner was though in custody in connection with the other cases since 11.09.2017 but he has been taken on remand in the present case on 17.02.2020, the co-accused similarly situated to the petitioner have been granted bail vide Cri. Misc. No. 43923 of 2011, Cri. Misc. No. 43390 of 2014 and Cri. Misc. No. 44824 of 2014, learned APP for the State is not able to distinguish the case of the present petitioner with the co-accused who have been granted bail by learned Co-ordinate Benches of this Court, the petitioner is on bail in all the seven cases in which he is said to be an accused, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M, Aurangabad in connection with Dhibra P.S. Case No. 07 of 2011, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

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 petitioner has concealed his 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U			
---	--	--	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

