

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2295 of 2021

Arising Out of PS. Case No.-285 Year-2016 Thana- BETTIAH CITY District- West
Champanan

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PRAKASH KUMAR PATEL S/o Sri Ramchandra Prasad @ Ram Chandra
Patel R/o village- Banuchhapar, P.S.- Bettiah Muffasil (Banuchhapar),
District- West Champanan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr.Pancha Nand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-04-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Vide order dated 09.03.2021, report was called from the
learned trial court regarding the stage of trial.

Report submitted in this regard by learned Additional
District and Sessions Judge-IX, West Champanan, Bettiah is kept
at Flag 'R' which shows that out of 11 charge-sheeted
prosecution witnesses, only three have been examined and notice
has already been issued by this court against remaining witnesses
and prosecution has already been directed for production of
witnesses.

The petitioner seeks bail in connection with Sessions Trial
No.342 of 2019 arising out of Bettiah Town P.S. Case No.285 of
2016 registered for the offence punishable under Section 387 of
the Indian Penal Code and 3/4 of the Explosive Substances Act.



As per the prosecution case, a bomb explosion was made near north gate of the house of the informant. When he went to verify, he found a chit of paper and posters whereby extortion money was demanded and life threatening was given to the informant.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case and has not committed any offence as alleged in the FIR neither he is named in the F.I.R. No incriminating article has been recovered from his conscious physical possession, nor he was put on T.I. Parade. His name appeared only on the basis of confessional statement of co-accused. Other co-accused persons namely Sanjeev Kumar Patel, Bharat Patel, Gayasuddin Ansari and Kunal Thakur have already been granted bail by co-ordinate Benches of this Court vide order dated 21.08.2018 passed in Cr. Misc. No.4855 of 2018, dated 08.10.2018 passed in Cr. Misc. No.59043 of 2018, dated 11.12.2018 passed in Cr. Misc. No.74098 of 2018 and order dated 23.06.2020 passed in Cr. Misc. No.80283 of 2019. The petitioner is languishing in custody since 21.12.2017.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid and the report submitted at Flag 'R', the above named petitioner is directed to be enlarged on



bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IX, West Champaran, Bettiah in connection with Sessions Trial No.342 of 2019 arising out of Bettiah Town P.S. Case No.285 of 2016, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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