

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3246 of 2018

Arising Out of PS. Case No.-102 Year-2006 Thana- KOTWALI District- Munger

Prabhakar Kushwaha, S/o Late Lakhan Kushwaha, R/o Village – Madhopur,
Kushwaha Tola, P.S. - Kotwali, District - Munger

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh
For the Respondent/s : Mr. Shyed Ashfaque Ahmad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

7 01-03-2021 Heard Mr. Arvind Kumar Singh, learned counsel

for the appellant and Mr. S. A. Ahmad, learned APP for

the State.

The appellant has been convicted under Section

353 of the Indian Penal Code and Sections 3 and 4 of

the Explosive Substances Act, 1908. For the former

offence, he has been sentenced to undergo RI for two

years and for the latter, he has been directed to suffer



imprisonment for ten years.

The appeal stood admitted on 11.10.2018 but the prayer for bail was rejected *vide* order dated 07.12.2018. While rejecting the prayer for bail, a Bench of this Court observed that if the appeal is not taken up for hearing within one year, the appellant would be at liberty to renew his prayer for bail.

Perused the judgement.

The appellant is said to have hurled a bomb on the vehicle of the Superintendent of Police of the concerned district, which led to emission of huge shoot of smoke, blind-folding the Superintendent of Police and other members of the Police party. Some of the members of the Police party have received simple injuries also.

The learned counsel for the petitioner has submitted that though the appellant and another were nabbed by the Police party immediately after the occurrence while running away but the evidence is not



very clear with respect to the hurling of the bomb or the purpose behind such misadventure.

In any view of the matter, the appellant has remained in custody from 23.03.2006 to 10.04.2007 in the pre-conviction stage. He stood convicted on 19.07.2018 and since then he has remained in custody.

For all practical purposes, the appellant has remained in custody for a little over three years by now.

There also does not appear to be any possibility of this appeal being heard in near future.

Considering these two aspects of the matter, this Court is inclined to release the appellant on bail during the pendency of appeal.

The petitioner, above-named, is directed to be released, during the pendency of appeal, 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 Fast Track Court, Munger, in connection with Sessions Trial No. 241 of 2007



(arising out of Kotwali P. S. Case No. 102 of 2006).

The petition stands allowed.

(Ashutosh Kumar, J)

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