

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3262 of 2022

Arising Out of PS. Case No.-212 Year-2004 Thana- KADAMKUAN District- Patna

Karu Rai Son of Panchhi Rai Residence Of Village- Raghapur Diyara, P.S.-
Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 28-11-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Kadamkuan P.S. Case No. 212 of 2004, registered for the
offences punishable under Sections 3/5 Explosive Substance
Act.

The prosecution case as emerging from the FIR is
that one night when the informant was at his house, he saw
Karu Rai carrying two bombs in his hand came out from his
room along with Shyambabu Rai. Thereafter, he heard a
sound of explosion in lane (gali), on which he came out from
his room. Thereafter Karu Rai came near to him and asked



to open the door of the room so that he may bring vehicle for treatment of Shyambabu Rai who was injured but he refused to do so.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of previous enmity. He further submits that there is no allegation of causing any injury to anybody. He further submits that the co-accused has been granted bail by court below itself. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

The petitioner has been languishing in jail since 10.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in one more case.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, the petitioner, above-named, 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 Ld. Chief Judicial Magistrate, Patna in connection with Kadamkuan P.S. Case No. 212 of 2004 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than



the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

Learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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