

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8490 of 2022

Arising Out of PS. Case No.-137 Year-2021 Thana- BANKA District- Banka

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SUMAN DAS SON OF KINKAR DAS R/O VILLAGE- MAHESHADIH,
HARIJAN TOLA, P.S.- BANKA, DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-06-2022 Supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on record.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Banka
P.S. Case No. 137 of 2021 registered for the offences punishable
under Sections 147, 324, 307, 386 of the Indian Penal Code and
under Section 3/4 of Explosive Substance Act.

As per prosecution case, on 20.02.2021 at night,
while the informant was going to Maheshadih Ghat, he saw that
petitioner along with other co-accused were extorting Rs. 500/-
from each truck driver and on protest, co-accused Dhukhaili
Das, Nitesh Das and Balmukund Das hurled bomb due to which



the driver along with co-driver got injured and thereafter they fled away.

Learned counsel for the petitioner submits that petitioner is in custody since 23.10.2021 as mentioned in para 3 of the supplementary affidavit. Petitioner bears criminal antecedent of one case which was registered after the present occurrence. Charge-sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. It has been submitted that there is no specific allegation against the petitioner. The allegation is general and omnibus in nature. There is specific allegation of hurling bomb against co-accused Dhukhaili Das, Nitesh Das and Balmukund Das. There is case and counter case between the parties. Learned counsel for the petitioner submits that Section 307 and 386 of the I.P.C. is not applicable in the light of the said fact. He further submits that co-accused Bhagwat Das has already been granted bail by the co-ordinate bench of this court vide Cr. Misc. No. 35623 of 2021 and the case of petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the



case, period of custody, charge-sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/Successor Court, Banka in connection with Banka P.S. Case No. 137 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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