

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17789 of 2022

Arising Out of PS. Case No.-247 Year-2021 Thana- BUNIYAD GANJ District- Gaya

Suraj Kumar @ Akash Kumar @ Vikash Kumar Son of Sanjay Prasad @
Sanjay Kumar Resident of Mohalla - Shivcharan Lane, Manpur, P.S.-
Buniyadganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in virtual court proceeding.

Petitioner seeks bail in a case registered for the offences punishable under Sections 394, 307 and 34 of the Indian Penal Code and Section 3/4 of the Explosive Substance Act.

As per prosecution case, in brief, is that on 12.11.2021 at about 11:00 P.M. the informant along with his father-in-law was sitting in the house, in the meanwhile three miscreants with intention to commit robbery switch off the light



of pole situated in front of the house, when informant asked them, all miscreants threw bomb on the informant with intention to kill, due to which he sustained injuries. On raising hue and cry local people reached there and caught the miscreants. Further case of the prosecution is that all accused persons sustained minor injuries while fleeing from the place of occurrence. The police also seized two live bombs at the place of occurrence and the informant was sent to Jai Prakash Narayan Hospital, Gaya for treatment.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that the allegation as per F.I.R. it does not support the medical evidence. Further submits that nothing has been recovered from the conscious possession of the petitioner. Similarly situated co-accused persons namely Karan Kumar @ Rahul Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 13.06.2022 in Cr. Misc. No. 11472 of 2022 and another co-accused Raja Kumar Tanti @ Ajit Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 13.06.2022 in Cr. Misc. No. 11965 of 2022 and the police after investigation submitted chargesheet against the petitioner



and the petitioner is in custody since 16.11.2021.

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

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Buniyadganj P.S. Case No. 247 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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