

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34347 of 2022

Arising Out of PS. Case No.-440 Year-2020 Thana- KAHALGAON District- Bhagalpur

SANTOSH RAY Son of Late Chandra Ray Resident of Mohalla Ram Nagar,
Bandrabagicha, P.S. Kahalgaon, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Pravina Kumari, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 11-10-2022 Heard Mrs. Pravina Kumari, learned counsel for the
petitioner and learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Sections 147, 148,
149, 324, 307 and 387 of the Indian Penal Code and Section 3/4
of the Explosive Substance Act, in connection with Kahalgaon
P.S. Case No. 440 of 2020.

The prosecution story, in brief, is that the
informant has alleged in the FIR that while he was moving on a
tractor with two labourers, the accused persons threw bomb
causing injuries to all of them.

In this case, case diary was called for on 12.9.2022
along with injury report of the informant. Although, case diary



has not been received yet the supplementary case diary has been sent in which paragraphs 21 to 23 includes injury report and the same has been shown to be simple in nature.

Learned counsel for the petitioner submits that for the said alleged occurrence, he has already suffered by being in custody since 21.10.2021, the allegation is omnibus and lastly one of the similar placed co-accused Jawahar Ray has since been released on bail vide Cr. Misc. No. 32083 of 2021 on 21.12.2021 by a coordinate bench of this Court.

Taking into account the aforesaid facts that he is in custody since 21.10.2021, the injuries have been found to be simple in nature and the charge-sheet stands submitted as also the fact that one of the co-accused has been granted the privilege of bail, as stated above, this Court is inclined to grant him the privilege of bail subject to the condition in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon P.S. Case No. 440 of 2020 subject to the following conditions:

- (i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

U		T	
---	--	---	--

