

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44893 of 2021

Arising Out of PS. Case No.-25 Year-2001 Thana- ADHAOURA District- Kaimur (Bhabua)

Rahul Baiga @ Rahul Bhuiya @ Bullu Gos S/O Panchu Baiga @ Panchu R/O
Village-Kanhaura, P.S.- Chopan, District- Sonbhadra (U.P)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan,Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-03-2022 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.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 302, 307, 323, 325, 326, 333, 338, 427, 379 of the IPC, Section 27 of the Arms Act and 3/4 of Explosive Substance Act.

As per the prosecution case, while the vehicle of police reached near the place of occurrence, the accused persons, variously armed, hurled bomb on the police party due to which three police personnel died and the accused persons also snatched their arms.



Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. He has falsely been implicated in the present case only on the basis of confessional statement of co-accused, namely, Bharat Singh Kharwar and Jainath Yadav. He further submits that it appears from the FIR that about 100 to 150 unknown persons have been made accused in the present case. He further submits that except confessional statement of the co-accused, nothing has come, during investigation, against the petitioner and nothing has been recovered from possession of the petitioner and similarly situated co-accused, namely, Jainath Yadav and Bharat Singh Kharwar @ Raja Jee have been granted bail vide order dated 09.11.2020 in Cr. Misc. No. 8582 of 2020 by a Coordinate Bench of this Hon'ble Court and the petitioner is in custody since 20.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

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/- (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 Adhoura Police Station Case No.25 of 2001, 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

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 antecedent, 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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