

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56671 of 2021

Arising Out of PS. Case No.-30 Year-2020 Thana- MADANPUR District- Aurangabad

SURESH BHUIYAN @ SURESH RIKIYASAN S/o JATU BHUIYAN R/o
VILLAGE-CHILMI TOLA, P.S-MADANPUR, DISTRICT-
AURANGABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2022 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 the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Session Trial No. 09 of 2021/26 of 2021 arising out of Madanpur P.S. Case No. 30 of 2020 registered for the offence under Sections 307 of the Indian Penal Code and Section 4/5 of Explosive Substance Act and 17 of the C.L.A. Act.

Petitioner is said to have been arrested having possession of motorcycle, 6 electronic detonators, 14 high power 9 volt HIW battery, 5 insulation tape and other electronic devices for exploding explosives, 15 pieces of nine volt battery connector



and the literature of banned organization.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. She submits that earlier the prayer for bail of this petitioner has been rejected by a co-ordinate Bench of this Court vide order dated 20.10.2020 passed in Cr. Misc. No. 25107 of 2020 with an observation to renew the prayer for bail after the custody of one and half year. She further submits that charges have been framed in this case but there is no substantial progress in the trial as no persecution witnesses have turned up till date and, therefore, the trial does not seem to be concluded in near future, whereas the petitioner is languishing in custody since 09.02.2020 i.e. almost two years.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner 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 Chief Judicial Magistrate, Aurangabad in connection with Session Trial No. 09 of 2021/26 of 2021 arising out of Madanpur P.S. Case No. 30 of 2020 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 canceled 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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