

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56203 of 2021

Arising Out of PS. Case No.-348 Year-2016 Thana- MUFFASIL District- West Champaran

Satish Sharma Son Of Sri Kishori Sharma Resident Of Village - Banuchhapar,
P.S. - Bettiah Muffasil (Banuchhapar), District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-04-2022 Learned counsel for the petitioner undertakes to re-move all the defects pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bettiah Muffasil P.S. Case No. 348 of 2016 registered for the offences punishable under Sections 384, 387, 448 of the Indian Penal Code and Section 3/4 of the Explosive Substances Act. He is in custody since 13.09.2020. The petitioner has got 5 criminal antecedents.

Learned counsel for the petitioner submits that the FIR is against unknown. As per the allegations, a bomb was exploded in front of the house of the informant. One written paper was found kept in the grill of the house on which one Royal



Group had issued a threat saying that “Baidyanath Prasad Kushwaha should keep Rs.1 Crore 20 Lakhs ready failing which any occurrence may take place with him”

Learned counsel submits that two months after the alleged occurrence, the I.O. recorded in the case diary that he received information through a spy that some members of the Royal Group are absconding. One of them is said to be this petitioner.

It is his submission that save and except that statement of the spy allegedly recorded in the case diary, there is no other material against the petitioner to connect him with the alleged occurrence.

Mr. Akhileshwar Dayal, learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that the name of the petitioner has transpired in the information furnished by the spy and the petitioner has got 5 criminal antecedents.

Learned counsel for the petitioner has stated, at this stage, that except a case at serial no. 1 all other cases mentioned in paragraph ‘3’ are those cases in which the petitioner has been remanded after his arrest in the first case.

Having regard to the materials placed before this



Court showing that the FIR is against unknown and the name of the petitioner is said to have transpired in the information furnished by a spy and there is no other material pointed out to this Court to identify the petitioner with the alleged Royal Group or his complicity in the alleged occurrence, the petitioner has already remained in custody for more than one and half year and at this stage the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge, West Champaran, Bettiah in connection with Bettiah Muffasil P.S. Case No. 348 of 2016, subject to the condition as laid down under Section 437(3) Cr.P.C.

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 steps 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.

And further condition that after the petitioner is



released in all the cases he will mark his attendance before the S.H.O. of Bettiah Muffasil (Banuchhapar) police station in the District of West Champaran in the present case once in every two months and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Bettiah Muffasil (Banuchhapar) police station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

