

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69301 of 2021**

Arising Out of PS. Case No.-86 Year-2013 Thana- KUDHNI District- Muzaffarpur

=====

Ramu Kumar @ Ramu Paswan @ Himanshu, Son of Ramprit Paswan
Resident of Village- Somgarh, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Bela Singh, Advocate
		Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s	:	Mr.Amit Kumar Rakesh,APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kudhani P.S. Case No. 86 of 2013 registered for the alleged offences under Sections 147, 148, 149, 379, 427 and 342 of the Indian Penal Code and ³/₄ of Explosive Substance Act and Section 17 of C.L.A. Act.

As per prosecution case, 15-20 miscreants came at a brick kiln and damaged its lower part by exploding bomb. The name of the petitioner transpired during investigation as one of the accused persons.



Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and he has been falsely implicated in this case on the basis of confessional statement of co-accused. He was not arrested from the spot and nothing has been recovered from his persons or possession. No Test Identification Parade has been done to ascertain the identities of the accused. Learned counsel further submits that a number of co-accused persons have been granted bail by different Coordinate Benches vide order dated 06.02.2020 passed in Cr. Misc. No. 8456 of 2020, vide order dated 24.02.2020 passed in Cr. Misc. No. 9442 of 2020, vide order dated 02.11.2015 passed in Cr. Misc. No. 48691 of 2015 and vide order dated 02.07.2020 passed in Cr. Misc. No. 21392 of 2020. The case of the petitioner is similarly placed. Charge sheet has been submitted in this case and the petitioner is in custody since 05.06.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a member of unlawful assembly of the mob which exploded bomb and damaged the brick kiln. He further submits that the petitioner is a habitual offender and he is accused in a large number of cases of similar nature.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the period of custody of the petitioner along with submission of charge sheet and grant of anticipatory bail to similarly placed co-accused persons, the petitioner above named is directed to be released on bail



on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Muzaffarpur in connection with Kudhani P.S. Case No. 86 of 2013, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

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

