

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2611 of 2023

Arising Out of PS. Case No.-357 Year-2021 Thana- SONBERSA District- Sitamarhi

Vivek Kumar Son of Nagendra Mandal R/v- Sonbarsa, P.S.- Sonbarsa, Dist-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail who is in custody since 10.08.2022 in connection with Sonbarsa P.S. Case No. 357 of 2021, F.I.R. dated 22.12.2021 for the offences punishable under Sections 324 and 307 of the Indian Penal Code and Sections 3/4 of the Explosive Substance Act.

According to prosecution case, three girls are said to have got injured on account of explosion of explosive substances while they were playing. It is further alleged that they were taken to hospital for treatment and thereupon the



present case got registered against unknown persons.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the date of occurrence is 16.12.2021 but the petitioner was in judicial custody since 10.12.2021 in Surasnd P.S. Case No. 561 of 2021. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that except the suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the statement of the petitioner was recorded in Sursand P.S. Case No. 561 of 2021. He further submits that the petitioner was remanded in the present case on 10.08.2022. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Pramod Kumar Sah @ Doctor Saheb has been granted bail by this Court vide order dated 07.02.2023 passed in Cr. Misc. No. 59140 of 2022, co-accused, namely, Hakim Sah @ Mostkim has been granted bail by a co-ordinate Bench of this Court vide order dated 03.05.2023 passed in Cr.



Misc. No. 7749 of 2023 and co-accused, namely, Santosh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 16.05.2023 passed in Cr. Misc. No. 12535 of 2023. The petitioner is in custody since 10.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries seven criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in three cases out of the seven cases.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate I/C Sitamarhi in connection with Sonbarsa P.S. Case No. 357 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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