

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13131 of 2023

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

=====

BARKHATULLAH RAIN @ BARKATULLAH RAIN @ BHUSAN RAIN
@ BHUSHAL RAIN @ BHUSUL RAIN SON OF LATE MD. SALIM RAIN
R/O VILLAGE- SHREE KHANDI BHITHA MORE, HANUMAN NAGAR,
P.O.- HANUMAN NAGAR, P.S.- SURSAND, SARKHANDIO, BITHA,
DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kalyan Shankar, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
10.08.2022 in connection with Sonbarsa P.S. Case No.357/2021,
F.I.R. dated 22.12.2021, for the offences punishable under
Sections 324, 307 of the IPC & Section 3 of Explosives
Substance Act.

According to prosecution case, while the informant's
daughter was playing in open field with two other minor girls
near her house then they found one ball shaped article lying in
the straw pile. While it was thrown, it burst and humongous
smoke came out. As a result, all three minor girls got injured



and they were taken to hospital for treatment. Thereupon the present case got registered against unknown persons.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of the co-accused person. He further submits that the petitioner has been remanded in the present case from Sursand P.S. Case No. 561/2021 and it would be evident from the order dated 10.12.2021 in Cr. Misc. No. 19334/2021 that the petitioner was in custody with respect to Sursand P.S. Case No. 561/2021 from 10.12.2021 and the present F.I.R has been instituted on 22.12.2021 and the petitioner was granted bail on 21.07.2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.08.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

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 C.J.M.,
Sitamarhi in connection with Sonbarsa P.S. Case No.357/2021,
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)

amit/-

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

