

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19999 of 2023

Arising Out of PS. Case No.-440 Year-2020 Thana- KAHALGAON District- Bhagalpur

1. Dikko Roy @ Deepak Roy S/O Late Chandar Roy R/O Village- Bandra Bagicha, P.S- Kahalgaon, Distt.- Bhagalpur.
2. Jhantu Roy @ Jantu Roy S/O Late Chandar Roy R/O Village- Bandra Bagicha, P.S- Kahalgaon, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar A.G Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-07-2023 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

2. The defect(s), as pointed out by office, be ignored for the present in interest of justice.

3. The defect(s), as pointed out in paragraph no. 6 of the present bail petition be corrected during the course of day itself in terms of prayer as raised during the course of hearing.

4. At the outset, it appears that the present bail petition filed against two different orders, where the bail petition of petitioner no. 1 was rejected vide order dated 19.11.2022 passed by 15th Additional Sessions Judge, Bhagalpur in Session Trial No. 335 of 2022, whereas the prayer of bail of petitioner no. 2



was rejected vide order dated 19.12.2022 by the Same Court, which arises from Kahalgaon P.S. Case No. 440 of 2020 registered for the offence alleged under Sections 147, 148, 149, 324, 307, 387 of the Indian Penal Code and under Sections 03 and 04 of the Explosive Substance Act.

5. The petitioners seek bail in connection with Kahalgaon P.S. Case No. 440 of 2020 registered for the offence under Sections 147, 148, 149, 324, 307 and 387 of the Indian Penal Code and under Section 03 and 04 of the Explosive Substance Act.

6. The accused/petitioners are not named in the F.I.R. and are in custody since 06.03.2022.

7. The allegation against the petitioners is to throw bomb upon informant and others alongwith co-accused persons causing bodily injuries having intention to cause their death, where occurrence is arises due to non-payment of extortion money.

8. Learned counsel appearing on behalf of petitioners submitted that allegation against petitioners is appearing very much general and omnibus without specifying any overt act as it appears from the face of F.I.R. itself. It is submitted that by taking note of same fact, co-accused persons, namely, Santosh



Ray and Jawahar Ray have already been granted bail by different Co-ordinate Benches of this Court through Cr. Misc. No. 34347 of 2022 vide order dated 11.10.2022 and Cr. Misc. No. 32083 of 2021 vide order dated 21.12.2021, respectively. While concluding the argument, it has been submitted that petitioner no. 1 found involved two more criminal cases and petitioner no. 2 found involved in three more criminal cases, where they are on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

9. Learned APP opposes the prayer of bail.

10. Considering the facts and circumstances as mentioned above and by taking note of the fact as allegation regarding throwing bomb upon informant is appearing very much general and omnibus against these petitioners coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 06.03.2022, accordingly both the petitioners, above named, are directed to be released on bail in connection with Kahalgaon P.S. Case No. 440 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 15th Additional Session Judge, Bhagalpur/concerned



court, subject to the conditions as mentioned under Section
437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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