

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24504 of 2023

Arising Out of PS. Case No.-15 Year-2018 Thana- GADHPURA District- Begusarai

Lalua @ Lalo Rai @ Ashutosh Kumar Rai Son of Nand Kumar Ray @
Mohan Rai Resident Of Village-Musepur, P.S.-Garhpura, District-Begusarai

... .. Petitioner/S

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Session Trial No. 518/2021 arising out of Garhpura P.S. Case
No. 15 of 2018 registered for the offence under Sections
307/504/506/427/34 of the Indian Penal Code and 27 of the
Arms Act and Section 3/4 of Explosive Act.

3. The accused/petitioner is not named in the F.I.R.
and is in custody since 10.02.2020.

4. The allegation against the petitioner is of
throwing bomb in the poultry firm of informant causing damage
of vehicles parked over there, having intention to cause death of
informant and others, where occurrence arises due to non-
payment of extortion money.



5. Learned counsel appearing on behalf of the petitioner submitted that the name of this petitioner surfaced in this case out of confessional statement of apprehended co-accused, namely, Sujeet Kumar and thereafter he was remanded in present case from Bachhwara P.S. Case No. 127/2016. It is further submitted that at the point of time of occurrence, petitioner was in judicial custody therefore, his active physical participation in alleged offence is not appearing convincing on its face, where nothing surfaced during the course of investigation as to suggest that petitioner was one of the conspirators. It is submitted that name of this petitioner surfaced in this case out of suspicion arises from his criminal antecedents, as he found involved in 18 more criminal cases, where he is on bail and in maximum of those cases his name surfaced out of suspicion as of present case, otherwise having no bearing over the merit of present case. It is also submitted that similarly situated co-accused, namely, Surendra Chaudhary has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 13761/2019 vide order dated 11.03.2019. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no



chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as petitioner was in judicial custody on the date of occurrence, where nothing incriminating surfaced during the course of investigation to suggest his involvement, *prima facie*, being conspirator coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.02.2020, accordingly, above named petitioner is directed to be released on bail in connection with Session Trial No. 518/2021 arising out of Garhpura P.S. Case No. 15 of 2018 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 Additional District Judge III, Begusarai/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall



cooperate in the trial and shall be physically present on each and every date before the trial Court till conclusion of the trial and exemption from physical appearance be allowed by the trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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