

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30430 of 2023

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

SUDAM RAI @ SUDAMA RAI SON OF LATE MANOHAR RAI R/O-
SHYAMPUR, POLICE STATION-KAHALGAON, DISTT.-BHAGALPUR
(BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Kahalgaon P.S. Case No. 440 of 2020 for the offence punishable under Sections 147, 148, 149, 324, 307, 387 of the Indian Penal Code and 3/4 of the Explosive Substance Act lodged on 17.7.2020 by the informant, Jairam Tanti.

As per the prosecution story, the allegation is that while the informant was returning on a tractor, the accused persons threw bomb causing injury, followed by FIR.

It is the case of the petitioner that omnibus allegation is there, the injuries have been found to be grievous in nature and similar placed other accused have been granted bail vide Cr. Misc. No. 32083 of 2021.



Learned APP opposes the prayer for bail.

Considering the fact that omnibus allegation is there against the petitioner, is in custody since 27.11.2022 (para-8 of the petition), others have been granted bail, as stated above, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Bhagalpur, in connection with Kahalgaon P.S. Case No. 440 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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