

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55839 of 2022

Arising Out of PS. Case No.-60 Year-2017 Thana- PHULWARIA District- Begusarai

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Rupesh Kumar @ Bideshiya, Son of Radheshyam Singh, R/o Vill.-
Chhatauna, P.S.- Naokothi, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. A.G., APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-02-2023 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.

Heard Mr. Shubhesh Pandey, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Phulwaria P.S. Case No. 60 of 2017 registered
for the offences punishable under Sections 387, 307 / 34 of the
Indian Penal Code and Section 3/4 of the Explosive Substance
Act.

The prosecution case is based on the fardbeyan of the
informant alleging therein, that on 18.05.2017, all of a sudden
an explosion took place and the informant sustained bomb



injuries. It is further alleged that the owner of the godown disclosed the name of co-accused Rajiv Yadav and Parshuram Mahto @ Parso and 5-6 other persons involved in the alleged crime and demand of ransom.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the FIR, however, only on account of his past criminal antecedent, later on, his name has been implicated in this case. He further submits that all the other accused persons whose name surfaced on the confessional statement, have been allowed bail by learned co-ordinate Benches of this Court vide Annexure – 2 series. He next submits that during the course of investigation no material has come, which suggests the complicity of the petitioner, save and except, the confessional statement of co-accused Rajiv Yadav.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner carrying a long list of criminal antecedent of 16 cases and he is a habitual offender.

At this juncture, learned counsel for the petitioner submits that in all the above cases, the petitioner is on bail and in fact this is the reason, why the name of the petitioner is being



implicated in other cases.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is not named in the FIR and save and except the confessional statement, there is no material, apart from the fact that the other co-accused persons, having identical allegation, have been allowed the privilege of bail and the petitioner is in custody for over a period of two years, inasmuch as the criminal antecedent of a person cannot be a sole ground to keep him behind the bar for an indefinite period, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sri Raghubir Prasad Judicial Magistrate 1st Class, Begusarai in connection with Fulwaria P.S. Case No. 60 of 2017, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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