

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64439 of 2023

Arising Out of PS. Case No.-137 Year-2021 Thana- BANKA District- Banka

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Rakesh Kumar @ Rakesh Das S/O Jagannath Das @ Jagannath Das @
Jagannath Harijan Village- Maheshadih (Harijan Tola), P.S- Banka, Dist-
Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
17.06.2022 in connection with Banka P.S. Case No. 137 of
2021, F.I.R. dated 21.02.2021 for the offences punishable under
Sections 147, 324, 307, 386 of the Indian Penal Code and
Section 3/4 of Explosive Substance Act.

3. Earlier the petitioner was granted bail vide order
dated 18.04.2023 passed in Cr. Misc. No. 151 of 2023 but the
petitioner has not fulfilled the condition as mentioned in the
order dated 18.04.2023 and thereafter the petitioner has filed the
modification application bearing Cr. Misc. No. 42320 of 2023
which was dismissed vide order dated 19.07.2023.



4. Learned counsel for the petitioner submits that due to inadvertent the petitioner had not mentioned the correct criminal antecedent of the petitioner although the petitioner carries one more criminal antecedent but in the previous bail petition, he had mentioned that the petitioner has clean antecedent. Learned petitioner for the petitioner further submits that the petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt-act is attributed against petitioner rather there is specific allegation of co-accused persons namely, Nitish Das and Balmukund Das. He further submits that similarly situated, co-accused, namely, Nitish Das and Dhurkheli Das @ Dhurendra Das have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.07.2022 passed in Cr. Misc. No. 66295 of 2021 and another co-accused namely, Balkukund Das @ Balmukund Kumar Das has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 30.08.2022 passed in Cr. Misc. No. 65810 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 17.06.2022.



5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in the pending case.

6. 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 Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 137 of 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)

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