

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68251 of 2022

Arising Out of PS. Case No.-238 Year-2022 Thana- PATNA CITY CHOWK District- Patna

RAHUL KUMAR S/O Vishnu Mistri R/O Village- Baksi Maidan, P.S-
Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary
correction in the main application, has been filed on behalf of the
petitioner, which forms part of this application.

The petitioner seeks bail in connection with Chowk P.S.
Case No. 238 of 2022 dated 07.06.2022 registered for the offence
under Sections 308 of the Indian Penal Code and Section 3/4 of
the Explosive Substance Act, 1908.

According to the prosecution, three bombs were
exploded while two sides of youth were quarreling due to which
nuisance and fear in the society has been created.

Learned counsel appearing for the petitioner submits
that the petitioner, is innocent and has falsely been implicated in



this case. He further submits that in fact there is no eye witness to the alleged occurrence to support the accusation against the petitioner but the police merely on the basis of suspicion made the petitioner accused in this case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that the similarly situated co-accused, namely, Vikash Kumar and Md. Naushad @ Naushad have already been granted bail by a co-ordinate Bench of this Court vide order dated 29.11.2022 and 24.12.2022 passed in Cr. Misc. No. 59059 of 2022 and Cr. Misc. No. 63329 of 2022, respectively. The petitioner is rotting in judicial custody since 08.06.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but he fairly submits on the basis of supplementary affidavit filed on behalf of the petitioner that the petitioner is on bail two cases.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Sub-Divisional Judicial Magistrate, Patna City in connection with Chowk P.S.



Case No. 238 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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