

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.151 of 2023

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

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Rakesh Das Son Of Jagannath Das @ Jagannath Das @ Jagannath Harijan
R/O Village- Mahesadih (Harizan Tola), P.S. And District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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.

According to prosecution case, the allegation against
petitioner and other co-accused is that they were collecting
extortion of Rs. 500/- from each truck driver passing through
Lakdikola main road and on protest, co-accused Dhurkheli Das,
Nitish Das and Balmukund Das exploded bomb with a view to
create panic, however; some persons got injured.

Learned counsel for the petitioner submits that



petitioner has clean antecedent 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 person namely, Nitish Das and Balmukund Das. He further submits that similarly situated, co-accused, namely, Nitish Das and Dhurkheli Das @ Dhurendra Das have has 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.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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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