

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28543 of 2024

Arising Out of PS. Case No.-36 Year-1993 Thana- BELHAR District- Banka

Baijnath Das S/o- Late Dina Das R/o Vill- Pasiya, P.S- Belhar, Dist- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Jagdhar Prasad

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Belhar P.S. Case No. 36 of 1993 instituted for the offences punishable under Sections 147, 148, 149, 307, 323, 504, 353 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3/4 of the Explosive Substance Act.

3. The allegation against the petitioner along with others is of creating hindrance in fishing and they started firing and exploding bombs.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. The present case is misuse of privilege of bail granted to the petitioner. There is no specific allegation against the petitioner



and the informant has himself admitted that there was no damage by this occurrence. He submitted that during investigation, the petitioner was granted bail by the learned Court below in the year 1993 and he was appearing in the court below till 2012. The petitioner is an old age person and had no knowledge about the actual position of the case and as such no pairvi could be made and he had been declared absconder on 05.08.2023. Due to non appearance of the petitioner the learned Court cancelled the bail bond of the petitioner by order dated 18.06.2012 and issued nonailable warrant against the petitioner. The petitioner is in custody since 17.02.2024 and has no criminal antecedent. The petitioner further undertakes to abide by any conditions imposed by this Court, if released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner as well as undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Belhar P.S. Case No. 36 of 1993, Subject to following conditions:

- (i) Son-in-law will be one of the bailor of petitioner.
- (ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court will have liberty to cancel the bail bonds of the petitioner.
- (iii) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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