

Ashwini Kumar vs The State Of Bihar on 29 January, 2025

Author: Rajesh Kumar Verma

Bench: Rajesh Kumar Verma

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73463 of 2024
Arising Out of PS. Case No.-585 Year-2024 Thana- HAJIPUR SADAR Distri

- =====
1. Ashwini Kumar S/o Late Ram Chandra Prasad Singh Resident of Village Senduari ,P.S- Sadar (Hajipur),District- Vaishali.
 2. Kumar Kartik @ Kartik Singh S/o Ashwini Kumar R/o- Village- Senduari,P.S. - Sadar (Hajipur), District- Vaishali.
 3. Kumar Aryan S/o Ashwini Kumar R/o- Village- Senduari,P.S. - Sadar (Hajipur), District- Vaishali.

... .. Petitioner/

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025

Heard Mr. N.K. Agarwal, learned senior counsel for the petitioners and Mr. Nagendra Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sadar (Hajipur) P.S. Case No. 585 of 2024, F.I.R. dated 17.08.2024 for the offences punishable under Sections 109, 308(3), 308(4), 308(5) and 61 of the Bhartiya Nyaya Sanhita, Sections 3 & 4 of Explosive Substance Act and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons including these petitioners have demanded ransom from the owner of the Elegant Hotel and when he refused for the same then these accused persons started throwing bombs and Patna High Court CR. MISC. No.73463 of 2024(3) dt.29-01-2025 pillets on the owner and employees of the said hotel.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that although there is specific allegation against these petitioners but there is no injury report available on record which suggest that the informant has received any injury and apart from that the petitioners and informant have business terms with each other and due to some dispute the petitioners have falsely been implicated

in the present case. He further submits that no cogent material has come during investigation which suggest the involvement of the petitioners in the present occurrence.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sadar (Hajipur) P.S. Case No. 585 of 2024, Patna High Court CR. MISC. No.73463 of 2024(3) dt.29-01-2025 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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) Vanisha/-

U T