

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39657 of 2015

Arising Out of PS.Case No. -24 Year- 2015 Thana -ARA NAGAR District- BHOJPUR

Dr. Narendra Kumar Pandey @ Sunil Pandey Son of late Kameshwar Pandey Resident of Village - Nawadih, Police Station -karakat District Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Kanhaiya Prasad Singh, Sr. Adv.
Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Amrendra Narayan Rai, Adv.
For the Opposite Party/s : Mr. Rajendra Nath Jha, (APP)
Mr. B. N. Pandey (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-09-2015 Heard both sides.

The petitioner seeks bail in Ara Town P.S. Case No. 24/2015, registered for the offences punishable under Sections 302, 307, 326, 224, 120B of the Indian Penal Code and under Sections 3, 4, 5 of the Explosive Substance Act.

The police officer lodged this case after explosion of a bomb in the premises of civil court, Ara, Bhojpur on 23.01.2015 in which one Nagina Devi died and many other persons were injured. It is alleged that Lambu Sharma and Akhilesh Upadhyay @ Musa Upadhyay fled away taking advantage of the explosion of the bomb from the custody of the police. The informant further

alleged that Lambu Sharma, Akhilesh Upadhyay and other unknown persons conspired and fled away from the custody of the police and in pursuance there of the bomb was exploded inside the premises of the civil court.

Learned counsel for the petitioner submits that there is no allegation against the petitioner in the entire case diary. One Lambu Sharma was arrested by the police and he is said to have confessed his guilt. Lambu Sharma disclosed that the petitioner asked him to kill Mukhtar Ansari. Lambu Sharma further disclosed that he was unable to do the acts because he was in custody but the petitioner did not give any assurance to take him out from the custody.

It is submitted that some money is also alleged to have been handed over to Lambu Sharma for the purpose of killing of Mukhtar Ansari but there is no iota of the evidence even in this confessional statement of accused Lambu Sharma that the petitioner ever made any conspiracy for explosion of bomb inside the premises of civil court, Ara to facilitate the accused persons namely Lambu Sharma and Akhilesh Upadhyay in fleeing them.

It is further submitted that Lambu Sharma is said to have talked with the petitioner on 24.09.2014 till 21.12.2014. The petitioner was enquired by the police after being arrested and the

petitioner offered his explanation that he is a public representative and many persons used to ring him for their own purposes. The confessional statement has got no evidentiary value and save and except the confession there is no other material on record to show the involvement of the petitioner.

On the other hand, Sri Rajendra Nath Jha, learned counsel for the State as well as Sri B.N. Pandey, however, vehemently opposed the prayer for bail.

But from the records, on query, did not show any material to show that the petitioner ever conspired in explosion of bomb in order to facilitate the two accused persons fleeing away from the custody. Nagina Devi, who is said to have died in explosion of bomb did not disclose any facts before her death, as she died instantly.

It appears that except the confession of the co-accused Lambu Sharma that too that the petitioner conspired with him to kill Mukhtar Ansari, there is no tangible material to show that the petitioner ever conspired for explosion of bomb inside the civil court premises and in pursuance of the consideration to kill Mukhtar Ansari, Lambu Sharma did not do any criminal acts.

Considering the facts aforesaid, I feel inclined to enlarge the petitioner on bail. Accordingly, the same is allowed. The

petitioner above named is directed to be enlarged 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, Bhojpur at Ara, in connection with Ara Town P.S. Case No. 24/2015, subject to the condition that the petitioner shall be present as and when required by the trial court.

(Prabhat Kumar Jha, J.)

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