

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47402 of 2015

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

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1. Vijay Sharma Son of Samhut Sharma Resident of Village-Piro, Police station Piro, District Bhojpur Ara.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-12-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

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

Allegedly bomb was exploded in the premises of civil court, Ara, Bhojpur on 23.01.2015 in which the lady namely, Nagina Devi, who exploded the bomb died and many other persons including one police constable Amit Kumar and Hawaldar were injured and subsequently constable Amit Kumar also died. It is alleged that Lambu Sharma and Akhilesh Upadhyay @ Musa Upadhyay fled away from the custody taking advantage of the

explosion of the bomb and allegedly the petitioner and others conspired in fleeing away the two accused from custody. During investigation it has come that the petitioner was seen talking with that lady and he used to visit the court premises.

Submission is of false implication and that no one has seen the petitioner providing the bomb to that lady or providing some money to her and only on weak evidence the petitioner is suffering in custody since 25.01.2015, whereas co-accused Dr. Narendra Kuamr Pandey @ Sunil Pandey has already been allowed bail vide order dated 30.09.2015 passed in Cri. Misc. No. 39657 of 2015 by another co-ordinate Bench of this Court. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner being the brother of Lambu Sharma was seen talking with that lady who exploded the bomb.

In the facts and circumstances stated above, considering that co-accused Dr. Narendra Kumar Pandey @ Sunil Pandey has been allowed bail, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs.

10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Bhojpur, Ara arising out of Ara Town P.S. Case No. 24 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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