

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47356 of 2014

Arising Out of PS.Case No. -301 Year- 2014 Thana -GANDHIMAIDAN District- PATNA

1. Sanjay Kumar S/o Sri Laxmi Narayan Singh resident of Village - Bhewar
Sikariya, P.S. - Karawna (Jehanabad), District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh
For the Opposite Party/s : Mr. T.P.Mandal (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 29-04-2015 Heard both sides.

The petitioner seeks bail in Gandhi Maidan P.S.Case No. 301 of 2014 registered under Sections 4 and 5 of the Explosive Substance Act and Section 106.01.2017 CLA Act.

The informant, on secret information, intercepted the white Indigo Car bearing Registration No.BR-24N-5911 and on its search, four persons including the driver were found sitting and from which 25 pieces detonator and battery charger etc, were recovered. The informant let off the driver and arrested three persons, namely, Shabhu Kumar @ Sunil Kumar @ Lambu Ji and the petitioner Sanjay Kumar. Another person was Sunil Kumar @ Sudhir Singh.

Learned counsel for the petitioner submits that the vehicle was intercepted at 8.15 P.M. on 22.8.2014 but for the reasons best known to the Investigating Officer, the FIR was registered on 23.8.2014 at 7 A.M. The Police Station is situated within one km. from the court but the FIR was sent to the Court on 24.8.2014. Even the accused was produced in the court after 24

hours from the institution of the FIR. Nothing was recovered from the possession of the petitioner and he has got no criminal antecedent. It is also submitted that the petitioner is not a member of banned organization as he was simply accompanying the other two accused on their orders.

Considering the facts aforesaid, the petitioner, named above, 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 Sri Prabal Dutta, Judicial Magistrate, Ist Class, Patna in connection with Gandhi Maidan P.S.Case No. 301 of 2014.

Let a copy of this order be sent to the Director General of Police, Bihar for information as it is found in many cases that the FIR is sent to the Court after 24 hours of its intuition. Even accused is produced in Court after 24 hours of his arrest, although the law mandates that the FIR must reach the court as soon as possible and within twenty four hours. Accused must also be produced in court within twenty four hours.

(Prabhat Kumar Jha, J)

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