

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29201 of 2015

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

1. Shambhu Kumar @ Sunil Kumar @ Lambu Jee @ Sheetal @ Sudhir S/o
Late Bhuneshwar Prasad Resident of Village Mahuli Bujurg, P.S. Kasya,
District Kushi Nagar (U.P.).

.... 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. Rita Verma (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-08-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner in in custody since 24.08.2014 in a case
registered for offences punishable under Section 4/5 of Explosive
Substance Act and Section 17 of C.L.A. Act.

The prosecution case is that on 22.08.2014 the Officer-
in-charge of Gandhi Maidan P.S. gave a written fardbeyan
alleging therein that on 22.08.2014 at about 7 P.M. he got
information from the S.S.P., Patna that the Area Commander of
Bhartiya Communist Party namely Shambhu Jee @ Sunil Kumar
@ Lambu Jee is about to come in Chiraiyatand pull along with
some persons.



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, petitioner Shambhu Kumar @ Sunil Kumar @ Lambu Ji , Sanjay Kumar and 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 F.I.R. 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 24.08.2014. 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.

A co-ordinate Bench of this Court has already granted bail to one of the accused for same and similar offence vide order dated 29.04.2015 passed in Cr. Misc. No. 47356 of 2014.

I see that no reason to take a different view and

considering the aforesaid circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Patna in connection with Gandhi Maidan P.S.Case No. 301/2014.

(Nilu Agrawal, J)

Sudha/-

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