

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17151 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -MADANPURA District- AURANGABAD

Kaushal Singh @ Kaushal Kumar Singh son of Late Ambika Singh @
Ambika Prasad Singh, resident of village + P.O. Kunda, P.S. Aurangabad
(Mufassil), District-Aurangabad (Bihar)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Raj Kishore Prasad, Advocate

For the Opposite Party : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 26-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner is in custody since 03.04.2016 in connection
with **Madanpur P.S.Case No.42 of 2016** pending in the Court of
CJM, Aurangabad registered for the offence under Sections
124(A), 307 and 120(B) of the IPC and Sections 4/5 of the
Explosive Substance Act and Section 17 of the Criminal Law
Amendment Act.

As per the prosecution case, it is alleged by the
prosecution that on 01.04.2016, he received a confidential
information that some explosive substance have been planted by
the Nuxalites against the police action. It is further alleged that the
labourers and local people started that about month the work of the
road was going on and further alleged that some Nexalites were

instructed to explode the bomb to damage the police party and three persons including the petitioner and one driver of JCB Jitendra Kumar have prepared the ditch and other co-accused placed the electric wire under the earth and other accused persons connected the wire.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.04.2016. Chargesheet has not yet been submitted in the case. Petitioner has got no criminal antecedent. As per the allegation Naxalites had used the JCB of the petitioner for planting explosives. Petitioner is the contractor. He denies the same as he had no knowledge regarding his JCB being used by the Naxales. The name of the petitioner has come on the basis of a confessional statement of a co-accused Ganesh Yadav. Except for the confession of the said co-accused, there is no other material to suggest the implication of the petitioner in the present case. The petitioner is suffering from heart-ailment. Earlier to the alleged occurrence, he was being treated in Medanta hospital at Gurgaon.

On behalf of the State, it has been submitted that the petitioner is not named in the FIR and had conspired in planting explosives with the naxales.

Considering the aforesaid facts and circumstances, I am

not inclined to release the petitioner on bail, the same is rejected
for the present.

(Sudhir Singh, J)

B.Kr./-

U		T	
---	--	---	--

