

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55909 of 2015

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

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1. Chand Mian @ Md. Chand Mian S/o- Late Amin Mian, resident of
village- Dharhara, Ara, P.S.- Ara Town, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava

For the Opposite Party/s : Mr. A.M.P. Mehta (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 10-02-2016 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 and 120(B) of the
Indian Penal Code and r/w 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 Upadhaya @ 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, the name of the petitioner transpired in the statement of that Lambu Sharma, and further the petitioner was seen near that lady.

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 the basis of statement of co-accused the petitioner is suffering in custody since 18.5.2015 whereas co-accused Dr. Narendra Kumar Pandey @ Sunil Pandey, Vijay Sharma have already been allowed bail vide Criminal Misc. No. 39657 of 2015 and 47402 of 2015 and as such the petitioner also deserves sympathetic consideration.

Learned A.P.P. submits that the name of the petitioner has come in the statement of Lambu Sharma.

In the facts and circumstances stated above, considering that two accused have been allowed bail and charge-sheet has already been submitted and there is no chance of tampering with prosecution evidence and as such petitioner is also 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., Ara, Bhojpur, in

connection with 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)

siddharth/-

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