

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23842 of 2016

Arising out of PS.Case No. -478 Year- 2015 Thana -MUZAFFARPUR SADAR District- MUZAFFARPUR

Vikash Kumar, Son of Uday Shankar Singh, resident of Village- Chainpur, P.S. Kanti, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Nachiketa Jha, Advocate.

For the Opposite Party : Mr. Renu Kumari(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 05-08-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 07.11.2015 in connection with Sadar P.S. Case No. 478 of 2015 for the offences instituted under Sections 307, 387 and 447/34 of the IPC and 3/4 of the Explosive Substance Act.

The prosecution story, in brief, is that on 14.09.2015 at 12.30 P.M., while the informant was at his cloth shop, co-accused Mayank Kumar who was sitting back of the motorcycle driven by the petitioner, threw a bomb on his shop which dropped on the clothes and did not explode, they became afraid. The miscreants while fleeing, a bomb from the bag fell but not exploded.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.11.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses against the petitioner. No one is said to have been injured in course of occurrence, hence, no offence under Section 307 I.P.C. is made out. The petitioner and the informant are the neighbours and there is admitted enmity between the parties and previously also the petitioner was falsely implicated by the informant.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned C.J.M., Muzaffarpur, in connection with Sadar(Muzaffarpur) P.S. Case No. 478 of 2015.

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(Sudhir Singh, J)