

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.17726 of 2017**

Arising Out of PS.Case No. -260 Year- 2016 Thana -JHAJHA District- JAMUI

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Fitlal Hembram, S/o Chhotan Hembram, Resident of Village-  
Dudhdharwa, P.S.- Jhajha, District- Jamui.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.

For the Opposite Party/s : Sri Narendra Kumar Singh, APP

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

4      23-05-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in connection with Jhajha  
P.S. Case No. 260 of 2016 registered for the offence punishable  
under section 3/4 of the Explosive Substance Act and sections 16,  
17, 18, 19, 20, 21, and 22 of the Unlawful Activities (Prevention)  
Act.

Allegedly the petitioner was apprehended and from  
his pocket of full-pant, two pieces Kelvex Power 90 E Class-2  
CAT-22 Explosive 25 m.m. dai, two pieces wire detonators  
besides Identity-card, Aadhar-card and mobile were recovered.

Submission is of false implication and that nothing  
was recovered from the possession of the petitioner. The petitioner



has been made accused only on suspicion. He has got no concern with extremists organisation. Under the Unlawful Activity (Prevention) Act), investigation has to be done by not below the rank of Officer of Deputy Superintendent of Police, but in this case, investigation has not been done in accordance with law. There is no legal and tangible material against the petitioner. Recovered articles have not been tested as to whether they were explosive substance or not. There is no sanction report under the Explosive Substance Act. Without any cogent material, the petitioner is suffering in custody since 17.11.2016. The admission of the petitioner made before the Police, has no relevancy and as such, the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that the detention of the petitioner now he is directed to be released on bail on execution of bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 260 of 2016, subject to the conditions that one of the bailors must be a 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)**

Mahesh/-

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