

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43424 of 2017

Arising Out of PS.Case No. -231 Year- 2015 Thana -KOTWALI District- MUNGER

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Md. Sanni @ Rizwan son of Md. Aslam @ Kalia resident of Village -
Kamaila Road Azad Colony, Purabasarai, P.S. - Kotwali, District - Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-11-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The Petitioner seeks regular bail in connection with S.T.
No. 42 of 2016 arising out of Kotwali P.S. Case No. 231 of 2015
for offences alleged under Sections 307/34 of the Indian Penal
Code and 3/4 of Explosive Substance Act.

The prosecution case, as lodged by the police personnel
is that on secret information that the petitioner along with two
other co-accused persons are distributing looted articles from the
train, the police conducted a raid and the accused persons
including the petitioner threw bombs which did not explode. The
police found two small bags with old clothes and three live bomb
near the place of occurrence.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that he was not apprehended but has been named by the police personnel only on the basis of suspicion. It is further submitted that Section 307 of the IPC is not made out as the bomb did not explode or hit anybody and that charge-sheet has already been submitted and the petitioner is in languishing in judicial custody since nearly two years.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and three cases are pending against him, one of them of very serious nature.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Munger in connection with S.T. No. 42 of 2016 arising out of Kotwali P.S. Case No. 231 of 2015, subject to the following conditions-

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an



affidavit stating his relationship with the petitioner

2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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