

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.821 of 2017

Arising Out of PS.Case No. -381 Year- 2016 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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Md. Mustak Son of Md. Ismail Resident of Village- Bidupur, Police
Station- Raja Pakar in the District of Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar -1, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-02-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with Hajipur Town P.S.Case No.381 of 2016 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code, Section 25 and 26 of the Arms Act and Sections 3 and 4 of the Explosive Substance Act.

It has been submitted on behalf of the petitioner that though there is allegation of recovery of explosive substance from the possession of the petitioner but the allegation shows that the petitioner was carrying a bomb in a polythene, which is doubtful. It has further been submitted that the petitioner has remained in custody for seven months and one co-accused, Pankaj Kumar, has been granted bail by this Court in Cr.Misc.No.279 of 2017 vide



order dated 10.1.2017.

Heard learned APP also. Learned APP has opposed the prayer for bail.

Having heard both sides and considering the materials on record that from the possession of the petitioner one bomb was recovered and the petitioner has antecedents also, whereas bail granted to co-accused, from whose possession one pistol has been recovered, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail is rejected.

However, considering the fact that the petitioner has remained in custody for seven months, learned court below is directed to commit the case to the court of sessions, if not committed, and thereafter expedite the trial and conclude the trial within a period of nine months.

Let a copy of this order be communicated to the learned Sessions Judge of the District concerned for monitoring the case of the petitioner.

(Vinod Kumar Sinha, J)

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