

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54138 of 2016

Arising Out of PS.Case No. -803 Year- 2016 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Satyendra Mahto, Son of Shiv Narayan Mahto, Resident of Mohalla- Basti
More, P.S.- Sasaram, Town, District- Rothas. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

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

ORAL ORDER

3 25-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

Supplementary affidavit has been filed on behalf of the
petitioner disclosing further criminal antecedent of the petitioner
which has been taken on record.

The petitioner seeks bail in connection with Sasaram
Town (Modal) P.S. Case No. 803 of 2016 registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Sections 34 of Explosive Substance Act.

Guddu Kumar @ Sachin Kumar the brother of the
informant was found dead in Sadar Hospital, Sasaram as near
court bomb was exploded in his motorcycle. The informant alleges
that the petitioner and others are criminals in nature and earlier
the petitioner has assaulted the informant and his deceased brother



and has snatched the amount after causing threats to pay ransom and thereafter, again the petitioner has caused threats to withdraw the case otherwise he would be killed. The informant further alleged that the petitioner, Sonu Kumar and his associates after making conspiracy they have planted bomb in the motorcycle of the brother of the informant which blasted causing death of his brother.

Submission is of false implication and that for the said occurrence Sasaram Town P.S. Case No. 800 of 2016 was registered on the basis of statement of Police Officer on 13.07.2016 itself vide annexure-2 and from that FIR it would be clear that the deceased has himself kept the bomb beneath the seat which exploded and he was killed as the deceased was having association with left extremists. It is not possible to keep bomb by another person beneath the seat which is opened by the key and as such the petitioner deserves sympathetic consideration. Besides suspicion there is nothing against the petitioner in the present FIR.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that earlier the petitioner has suppressed regarding his criminal antecedents and when it was disclosed he has filed supplementary affidavit and as such the conduct of the petitioner being not fair is not entitled for



pre-arrest bail. The FIR of Sassaram P.S. Case No. 800 of 2016 is only with a view to help the accused persons and that FIR was produced before the learned Magistrate on 16.07.2016 after three days. The lock of the seat of the motorcycle can be opened by any key also and as such keeping the bomb by another person is very much possible and as such the petitioner does not deserve pre-arrest bail.

In the facts and circumstances stated above, considering the nature of allegation and criminal antecedent of the petitioner, I am not inclined to enlarge the petitioner on pre-arrest bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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