

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53324 of 2016

Arising Out of PS.Case No. -352 Year- 2016 Thana -BARACHATTI District- GAYA

- =====
1. PRADEEP KUMAR SON OF SRI THAKURI
 2. BALESHWAR SAO SON OF SOMAR SAO

BOTH ARE R/O VILLAGE - PIRADIH, P.S. - MARKACHO, DISTRICT
- KODARMA (JHARKHAND).

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Soni Shrivastava, Adv.

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur, APP

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ORAL ORDER

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

3 23-02-2017 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

On getting confidential information regarding supply of explosive to a banned organization, the police swung into action and intercepted a vehicle laden with explosive substance being occupied by two persons out of whom one managed to escape while the other namely, Raja @ Inamul Haque was apprehended. On query, he disclosed that aforesaid explosive were loaded at the place of magazine of Rabindra Mehta and Baleshwar Sao, Pradeep Kumar, petitioners were shown to be guard of the aforesaid magazine who actively participated in the loading.

Learned counsel for the petitioners have submitted



that their identification has been made by a co-accused and on account thereof, the same is impermissible in the eye of law. It has also been submitted that in worst case, even accepting the prosecution version petitioners were mere a guard and acted at the order of their master without knowing for what purpose the aforesaid explosive were being taken. Therefore, culpability of the petitioners could not be identified. Apart from having clean antecedent, petitioners are under custody since 09.09.2016 so, it has been submitted that petitioners be enlarged on bail.

At the other end the learned Additional Public Prosecutor opposed the prayer and submitted that there happens to be sufficient material available in the case diary to justify their detention.

While the explosive were loaded at the magazine of Rabindra Mehta, that should have been with a permit or license which, during course of loading petitioners should have. Without license, loading of aforesaid explosive in such huge quantity is indicative of the fact that the aforesaid activity were being taken in scrupulous manner. Moreover, when these two petitioners were apprehended just after exposé of the present occurrence, they were identified by the co-accused to be the person who had loaded the aforesaid explosive substance (paragraph-31).



That being so, I do not see it a fit case for grant of
bail. Accordingly, prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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