

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34163 of 2018

Arising Out of PS.Case No. -35 Year- 2018 Thana -BARACHATTI District- GAYA

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Md. Hanif Ansari S/o Md. Ayub Ansari, R/o Vill.- Jhariya Gadhi, P.S.-
Giridih, District- Giridih (Jharkhand). Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 16-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 12.01.2018 in connection with Barachatti P.S. Case No. 35 of 2018 for the offence registered under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code and Section 4/5 of the Explosive Substance Act and Section 17 of the CLA Act.

The allegation against the petitioner is that from the back seat of the vehicle, which the petitioner was driving, 5900 pieces of detonator were recovered and a seizure list was prepared. The case of the prosecution is that the said recovery were made after a hot chase, on secret information having been received by the prosecution, and thereafter, the petitioner was arrested and from his person an Adhar Card as well as Election Identity Card were recovered.



Learned counsel for the petitioner submits that though this petitioner had clearly stated that the said detonator were to be delivered at the thresher of one Manoj Ji @ Sanjay Singh, the investigation has not gone forth to make any investigation in that direction and even the investigation which was conducted by the prosecution at the house of one Manoj jee @ Sanjay Singh did not substantiate itself that the said detonators were in fact given to the petitioner by the said Manoj Jee @ Sanjay Singh. It is further submitted that entire prosecution is based on no evidence and on the basis of entirely slipshod investigation; the petitioner is being kept behind the bar.

Learned counsel for the State, after perusal of the case diary, submits that the Adhar Card of the petitioner was found to be false on verification from his school. However, on query being made to what the investigation revealed regarding supply of the said detonator to the petitioner and whether the said were to be supplied to the thresher or not, it has come that there has been no enquiry in that regard and charge sheet has already been submitted.

Considering the aforesaid facts and circumstances of the case and that the petitioner has already been in jail for last six months and there being no cogent material in the case diary to support the allegation as against the petitioner, let the petitioner,



above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P.S. Case No. 35 of 2018.

(Anjana Mishra, J)

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