

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27242 of 2018

Arising Out of PS.Case No. -786 Year- 2017 Thana -PHULWARI District- PATNA

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Md. Mobin, aged about 29 years, S/o Md. Munna Halwai @ Zahirul Islam,
Mohalla- Milkiyana, P.S.- Phulwarisharif, Dist.- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Sinha

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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

3 18-05-2018

Heard the learned counsel for the petitioner as

well as the learned A.P.P. for the State.

In this application the petitioner seeks bail in connection with Phulwarisharif P.S. Case No. 786 of 2017 for the offence punishable under section 34 of the Explosive Substance Act, 1908.

Allegedly, in the house of the petitioner sign of explosion of bomb was noticed and remnants of bombs were seized. Name of the petitioner has transpired in the confessional statement of co-accused Kamil Mallick @ Lulha.

Submission is of false implication and that the petitioner was not caught at the spot, nothing has been recovered from conscious possession of the petitioner, the confessional



statement of the co-accused made before police has got no evidentiary value in the eye of law, the petitioner has got no criminal antecedent and he is suffering in custody since 16.12.2017, whereas, co-accused Shahnawaz Hussain @ Shainu and Md. Raja @ Raja Mallick have already been allowed bail by co-ordinate benches of this Court vide Cr. Misc. Nos. 12622 of 2018 and 23612 of 2018 and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail of the petitioner.

In the facts and circumstances stated above, considering that investigation is complete, the petitioner has got no criminal antecedent, other co-accused have already been allowed bail and as such the petitioner above named, is also directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of Sub. Judge-XV- Cum- A.C.J.M. Patna in connection with the aforementioned case, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two



consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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