

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58346 of 2019

Arising Out of PS. Case No.-247 Year-2014 Thana- POTHIIYA District- Kishanganj

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Md. Tafezul, S/o Abdul Rahman, R/o village- Mudin Mahazan Pada, P.S.-
Kaliyachak (Mothabari), District- Malda (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 20-11-2019 The petitioner seeks bail in connection with

Pothia P.S. Case No. 247 of 2014, dated 28.11.2014,

instituted for the offences under Sections 399 and 402 of

the Indian Penal Code and Sections 3, 4 and 5 of the

Explosive Substances Act.

From the F.I.R., it appears that some people of

the village heard explosion of bombs. In course of enquiry,

the concerned police officer found out that a bag full of live



bombs was kept in a ditch. Two of the dead-bodies of the miscreants also were found lying there. One of the miscreants, carrying the bombs, appeared to have been injured because of such explosion, whose name was found to be Mumtaz Ali. The petitioner has been named by aforesaid Mumtaz Ali as one of the associates of the miscreants who were traveling from one place to another with live bombs.

Learned counsel for the petitioner has submitted that the injured arrested person has named the petitioner and therefore, at best, the evidence against him is in the nature of confession of a co-accused person, which has got no probative value.

The petitioner has clean antecedents and he is in custody since 05.07.2019.

Considering the aforestated facts, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj



in connection with Pothiya P.S. Case No. 247 of 2014.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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