

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78141 of 2018

Arising Out of PS. Case No.-3 Year-2018 Thana- KONCH District- Gaya

Upendra Paswan S/o Ramji Paswan, R/o Vill.- Pakari, P.S.- Konch, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr.Sri Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 09-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Konch P.S. Case No. 03 of 2018 (G.R. No. 172 of 2018) registered for the offence punishable under Sections 120(B), 353, 386/34 of the Indian Penal Code and Section 3/4 Explosive Substance Act and Section 17 C.L.A. Act.

Informant is the Police Officer, who in his self statement has stated that he received information that some explosive substance were kept buried under the ground behind the house of Ramjan Mian @ Bhuin and the same has been kept by Ramjan Mian and other extremists. On such information he alongwith other police personnel reached there but seeing the police personnel accused persons started fleeing and thereafter



he was caught hold. On search, they found four containers (Dabba) each of 15 litres capacity and on opening the containers 389 pieces of explosive substance bore, marked as power Gel 25 MM x 125 Indian Explosive Limited Gaina 829112OR/C. On verification by the police, co-accused Ramjan Mian disclosed the name of several other extremist including petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case only on suspicion and on the basis of confessional statement of co-accused Ramjan Mian. There is no specific allegation against petitioner and the allegation is general and omnibus in nature. Petitioner has no criminal antecedent and he is in custody since 26.07.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Gaya, in connection with Konch P.S. Case No. 03 of 2018 (G.R. No. 172 of 2018) subject to the conditions that:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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