

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76056 of 2019

Arising Out of PS. Case No.-210 Year-2019 Thana- MAHESI District- East Champaran

Nabir Hashmi @ Md. Nasir Hasan @ Md. Nabir Hashmi, Son of Late Tayyab Hashmi, Resident of Village - Kaji Chak, P.S.- Mehsi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-12-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner in the present case is seeking regular bail in connection with Mehsi P.S. Case No.210 of 2019 registered for the offence punishable under Sections 324 and 307 of the Indian Penal Code and Sections 3, 4 and 5 of Explosive Substances Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to village politics. Learned counsel submits that nothing incriminating has been found against the petitioner in course of investigation.

Learned APP has opposed the prayer for bail.

Considering the facts and circumstances of the case wherein the allegation against the petitioner is that in course of



search of his house some incriminating materials were found and in the seizure list though police has described that those articles kept in the plastic container looked like '*Barood*', but in course of investigation no material has been brought to show that there has been any test report of those articles showing that those are the materials with which bombs are likely to be prepared and further that injury of the victim girl, who is a neighbour of the petitioner, on her hand has been found to be simple in nature caused by hard and blunt object as also that the petitioner has remained in custody since 29.07.2019, the investigation against him is complete and it is not the submission of learned APP for the State that release of the petitioner is otherwise likely to interfere with in course of trial, let the petitioner above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VIth, Motihari, East Champaran in connection with Mehsi P.S. Case No.210 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and



(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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