

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12424 of 2021

Arising Out of PS. Case No.-40 Year-2019 Thana- KAUWAKOL District- Nawada

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Makeshwar Pandey @ Baba S/O Laxmi Pandey R/O Village Kumar, P.S
Sikandra, District-Jamui Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ankit Kumar,Adv

For the Opposite Party/s : Ms. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 23-03-2021 Let the defects be removed within four weeks.

Heard the parties.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 307/34 of the I.P.C. and
3,4,5 Explosive Act.

The FIR was registered against two unknown
persons. The prosecution case is that two unknown persons had
hurled explosives on the house of the informant.

Learned counsel for the petitioner submits that no
injury was caused to anyone nor any incriminating substance
was recovered from possession of the petitioner. The petitioner
was abruptly arrested by the police and his confessional
statement is there. No recovery was made in pursuance of
confessional statement. Hence, confessional statement has got
no evidentiary value.



Co-accused-Md. Faizu Rahman @ Osama @ Faizu Rahman @ Osama was allowed bail by a Coordinate Bench of this Court on 23.10.2019 in Cr. Misc. No. 62487 of 2019 and co-accused-Md. Rijwan Shah @ Md. Rijban Sah was allowed bail by another Coordinate Bench of this Court on 22.11.2019 in Cr. Misc. No. 73595 of 2019. The case of the petitioner stands on similar footing to that of co-accused- Md. Faizu Rahman @ Osama @ Faizu Rahman @ Osama who has also got criminal antecedent. The petitioner is also accused in some cases but in those cases the petitioner is on bail.

In the past, prayer for bail to the petitioner was refused by order at Annexure-1 and the petitioner challenged said order before the Hon'ble Supreme Court in S.L.P. (Crl.) No. 617 of 2020, the Hon'ble Supreme Court refused to interfere with the order of this Court vide order at Annexure-1/1.

The report of the learned Trial Judge shows that recently charges have been framed against the petitioner and other co-accused. Hence, there is no chance of early conclusion of the trial.

Considering lack of sufficient material against the petitioner for further detention as undertrial prisoner, let the



petitioner, above named, who is in custody since 07.03.2019, 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 learned Court below where the case is pending in connection with Kawakol (Rupau)Police Station Case No.40 of 2019 with following conditions:

(a) Both the bailors shall be resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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