

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25850 of 2021

Arising Out of PS. Case No.-302 Year-2020 Thana- KHIJARSARAI District- Gaya

1. UPENDRA PRASAD SON OF RAMESHWAR MAHTO RESIDENT OF VILLAGE- SHERTHUA KHURD, POLICE STATION- KHUDAGANJ, DISTRICT- NALANDA
2. BAIJNATH YADAV SON OF JAGDISH YADAV RESIDENT OF VILLAGE- RASALPUR, POLICE STATION- KHUDAGANJ, DISTRICT- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Adv.
For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-11-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Khijarsarai P.S. Case No. 302 of 2020 registered for the offence under Sections 3/4 of the Explosive Act and Sections 16, 18 and 20 of the U.A.P. Act.

On search, a white plastic bags containing 25 pieces explosive substance has been recovered.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have not committed any offence. In fact,



nothing has been recovered from the conscious possession of the petitioners rather the alleged recovery has been made from the possession of the co-accused, namely, Jitendra Kumar, which is evident from the F.I.R. itself. The petitioners have been made accused in this case merely on the ground of suspicion and they are rotting in judicial custody since 05.10.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Gaya in connection with Khijarsarai P.S. Case No. 302 of 2020 with the following conditions:

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be canceled by the Court below.



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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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