

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32639 of 2020

Arising Out of PS. Case No.-438 Year-2019 Thana- JAYNAGAR District- Madhubani

ROHIT YADAV Son of Sahdeo Yadav Resident of Village- Ranti Mohanpur,
P.S.- Rajnagar, District- Madhubani. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-01-2021 Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Jaynagar P.S. Case No. 438 of 2019 registered for the offence punishable under Sections 3/4 of Explosive Substance Act and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per First Information Report the informant who is the S.I. of Police seized some bombs and empty cartridges as also the materials which are normally used in manufacturing of bomb and he had a suspicion that these things have been left by unknown criminals.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is not named in the FIR and except the confessional statement of co-accused there is no material against him. It is further submitted that though the petitioner has been made accused in many cases but in some of the cases he has either been acquitted or has been granted bail.



Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein this Court has noticed from the First Information that the same has been lodged by the S.I. of Police after he seized some bombs and empty cartridges as also the materials which are normally used in manufacturing of bomb and he had a suspicion that these things have been left by unknown criminals, the petitioner is not named therein, it is the contention of learned counsel for the petitioner that he has been brought in this case on the basis of confessional statement of the co-accused, the FIR has been lodged on 29.08.2019 whereas the petitioner is in jail in connection with other cases against him since 09.03.2017, in some of the cases he has either been acquitted or has been granted bail, learned APP for the State despite repeated query of this Court is unable to say that any material apart from the confessional statement of the co-accused has come against the petitioner in connection with this case, let the petitioner above-named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Madhubani, District-Madhubani in connection with Jaynagar P.S. Case No. 438 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that while accepting the bail bond of the petitioner, the learned court below shall get itself satisfied that the petitioner has either been acquitted or is on bail in the cases stated in paragraph '3' of the present application.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

