

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38878 of 2020**

Arising Out of PS. Case No.-371 Year-2019 Thana- RAMPUR District- Gaya

PREM YADAV Son of Late Shiv Bachan Yadav Resident of Village -
Rampur, Jail Road, P.S.- Rampur and Distt.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2, Advocate Mr. Gajendra Kumar Singh, Advocate
For the State	:	Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 19-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Rampur P.S. Case No. 371 of 2019 registered for the offences punishable under Section 307 of the Indian Penal Code and Section 3/4 of the Explosive Substance Act.

Learned counsel for the petitioner submits that as per the prosecution story this petitioner along with his mother and two unknown persons who had concealed their face by a piece of cloth (Gamcha) reached at the door of the informant and knocked the doors repeatedly, when the door was not opened petitioner hurled a bomb whereupon the informant reached on his roof, the petitioner allegedly threw a bomb on the roof which fell down on the old house of the informant and informant



claims that he was saved somehow.

Learned counsel for the petitioner submits that when the I.O. reached at the place of occurrence, no bomb was recovered and he has not found any damaged article or door due to hurling of bomb.

Learned counsel further submits that the police has shown recovery of some *sutri* and *Tin* but no other article which may be used in preparation of bomb has been seized. The petitioner is said to be in custody for over one year in connection with this case, he has got four criminal antecedents but in all those cases he is said to be on bail. It is his submission that save and except the bald allegation of throwing bomb upon the door and on the roof there is no other material against the petitioner.

On the other hand, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is his submission that petitioner has got four criminal antecedents. Learned A.P.P. however does not contest the submission that from the place of occurrence no material which may be used in preparation of bomb has been seized and further that the bomb which was allegedly thrown on the roof has not been found by the Investigating Officer.



Considering the facts and circumstances of the case, in the nature of submissions noticed by this court hereinabove, this Court directs release of the petitioner above-named 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 Chief Judicial Magistrate, Gaya in connection with Rampur P.S. Case No. 371 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

