

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7647 of 2021

Arising Out of PS. Case No.-343 Year-2020 Thana- NATHNAGAR District- Bhagalpur

Gugla @ Nawal Kumar Modi Son Of Late Durga Prasad Modi Resident Of
Kutubganj, Police Station - Mojahidpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-09-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 343 of 2020 registered for the offence punishable under Sections 3 and 4 of the Explosive Substance Act.

Allegation as per the F.I.R. is that petitioner along with other co-accused persons are involved in preaparing of country made bomb in the orchard of one *Late Nago Yadav*. On search big



quantity of pieces of blade, stone chips, frooty bottle glass, twelve canes of Tulsi Zarda, four tapes were found from the place of occurrence and seized as per seizure list by the police team.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He submits that petitioner is a fruit seller and infact on the alleged date and time of occurrence, he had gone to the orchard of *Nago Yadav* to by Mango and when he was counting Mangoes outside the Basa, suddenly bomb exploded and he became injured and in order to save his life, he fled away from the place of occurrence, but due to serious injury he fell down outside the road. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and he is languishing in custody since 16.06.2020.

Learned APP for the State vehemently opposing the bail petition submitted that petitioner along with other accused persons are involved in preparing of country made bomb and by that way creaing danger to the life of common people.

In the facts and circumstances of the case and on perusal of records including the case diary and material against the petitioner in the present case, I am not inclined to grant privilege of bail to the above named petitioner in connection with Nathnagar



(Madhusudanpur) P.S. Case No. 343 of 2020 to the satisfaction of
learned A.C.J.M. 1st, Bhagalpur.

Accordingly, the prayer for bail of the petitioner is hereby
rejected.

However, petitioner may renew his prayer for bail **after**
framing of charge.

(Anjani Kumar Sharan, J)

GAURAV S./-

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