

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25946 of 2022**

Arising Out of PS. Case No.-18 Year-2022 Thana- KATHAIYA District- Muzaffarpur

RAMNATH THAKUR SON OF LATE RAM AYODHYA THAKUR R/O  
VILLAGE- MANHURAHYA WAJITPUR, P.S.- PAROO, DISTRICT-  
MUZAFFARPUR ... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr .Kumari Vandana, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      12-08-2022                      Heard learned counsel for the petitioner and learned  
  
APP for the State through video conferencing in view of the  
  
COVID 19.

Let the defect(s), if any, as pointed out by the office  
be removed within four weeks.

The petitioner is an accused in connection with  
Kathaiya P.S. Case No. 18 of 2022 under Sections 3/4 of the  
Explosive Substance Act.

As per the allegation in the FIR, the police upon  
information that explosive substance are being kept in the house  
of the Ram Naresh Sahni for committing crime, the said house  
was raided and although some of the accused persons managed  
to escape but accused, Ram Naresh Sahni was apprehended who  
disclosed that the person who escaped was Ramnath Thakur,  
(the petitioner herein). Subsequently, the police searched the



house of Ram Naresh Sahni and it is alleged that from its roofs, altogether 9 bombs were recovered/seized and defused. Accordingly, seizure list was prepared and Ramnaresh Sahni was arrested. Subsequently, the petitioner herein also came into judicial custody on 05.02.2022 (as stated in paragraph-1 of the bail application).

Learned counsel for the petitioner submits that neither the house belonged to him nor the same was recovered/seized from his possession nor he was present at the place of occurrence and only because the accused who was arrested on the spot named him as one of the accomplice, he is in judicial custody since 05.02.2022 because of his criminal antecedent of the same nature.

Taking into account the fact that the recovery/seizure has been made from the house of Ramnaresh Sahni, the petitioner was neither present on the spot nor anything has recovered from his possession, coupled with the fact that he is in custody since 05.02.2022 and charge sheet stands submitted, this court is inclined to grant him the privilege of bail with certain conditions in view of the fact that the petitioner has criminal antecedent.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Muzaffarpur in connection with Kathaiya P.S. Case No. 18 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Jagdish/-

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