

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30330 of 2022

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

Dilip Yadav @ Deepak Yadav Son of Laxmi Yadav @ Moti Yadav Resident of
Village - Chhechhani, P.S.- Bithan, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate.

For the Opposite Party/s : Mr.Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2022 Heard Mr. Subhash Kumar Jha, learned counsel
appearing on behalf of the petitioner and Mr. Ajit Kumar,
learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 12.08.2021,
seeks regular bail in connection with Jaynagar P.S. Case No.
438 of 2019, for the offence punishable under Sections 3 and 4
of the Explosive Substance Act and Section 27 of the Arms Act.

As per the allegation made in the FIR, the police had
received secret information on 29.08.2019 that some unknown
miscreants possessed with explosive substance (bomb) and arms
had assembled near Chimney of Rambabu. Police team raided
the place and recovered three bombs and cartridges near the



Chimney. On seeing the police force, unknown miscreants fled away. Seizure list was prepared on the spot.

Learned counsel appearing on behalf of the petitioner submitted that nothing has been recovered from the conscious possession of the petitioner rather bomb was recovered near the Chimney of one Rambabu. Petitioner has been made accused in the present case on the basis of confessional statement of one co-accused Abhishek Mishra made before the investigating officer in course of investigation and said Abhishek Mishra has already been released on regular bail vide order dated 13.12.2021 passed in Cr. Misc. No. 37741 of 2021. He further submitted that another co-accused Shatrudhan Yadav has already been released on bail vide order dated 25.06.2021 passed in Cr. Misc. No. 7307 of 2021. Petitioner has made specific statement in paragraph No. 3 that, three cases are pending against the petitioner. Petitioner is in custody since 12.08.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Having heard the rival submissions of the parties, perused the F.I.R. and the impugned order, it appears that the recovery of explosive substances (bombs) and cartridges were



found to be allegedly left at the place of occurrence by the petitioner and other co-accused persons, name of the petitioner has surfaced in course of investigation, on the basis of confessional statement of co-accused Abhishek Mishra and said Abhishek Mishra has already been released on bail by a co-ordinate Bench of this Court, no explosive substance (bomb) or arms have been recovered from the conscious possession of the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI, Madhubani in connection with Jaynagar P.S. Case No. 438 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature



of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No. 3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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