

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37065 of 2022

Arising Out of PS. Case No.-99 Year-2019 Thana- KATRA District- Muzaffarpur

Manish Choudhary Son Of Devendra Choudhary R/O- Vill-Katra, P.S.- Katra,
Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The petitioner is in judicial custody in connection
with Katra P.S. Case No. 99 of 2019 for the offences under
Section 3/4 of the Explosive Substance Act.

As per the prosecution story, the informant has
alleged that while he was sleeping with his entire family
members, he heard a loud sound of bomb and found that the
same has been thrown on his house causing damage to one of
the wall and the door. The entire family members became so
panicky that rest of the night they chose to remain awake which
included his wife and three children.



Learned counsel for the petitioner submits that the allegation is against unknown and subsequently on the statement made by the local villagers, this petitioner has been implicated in this case. He, however, candidly confessed that he do have criminal antecedent and for the same, he has suffered. It is further submission that irrespective of the outcome of the bail application, for the trauma that the entire family members suffered the entire night. He is ready to pay a sum of Rs. 20,000/- through Demand Draft issued by the State Bank of India local branch to be deposited before the Trial Court and to be released to the informant. He further submits that a sum of Rs. 10,000/- will also be contributed to Patna High Court Legal Services Committee, Patna through Demand Draft issued by the State Bank of India local branch.

Learned APP, on the other hand, submits that the petitioner who has criminal antecedent and has thrown bomb on the house of the informant does not deserve bail.

Taking into account the fact that the petitioner is in custody since 7.6.2021, the informant has not named him, although his name has come in the statement of villagers, no T.I. parade has been done, charge-sheet stands submitted, this Court is inclined to grant him bail subject to payment of Rs. 20,000/-



through Demand Draft issued by the State Bank of India local branch to be deposited before the Trial Court and to be released to the informant and Rs. 10,000/- to Patna High Court Legal Services Committee, Patna through Demand Draft issued by the State Bank of India local branch. However, strict conditions need to be imposed since he 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 Judicial Magistrate 1st Class, Muzaffarpur East in connection with Katra P.S. Case No. 99 of 2019 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 reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall leave the district of Muzaffarpur for a period of two month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station



(where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vi) 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)

Ravi/Ajay Singh

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