

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40081 of 2022

Arising Out of PS. Case No.-22 Year-2001 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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ARUN SINGH Son of Surendra Singh Resident of village- Hario, P.S-
Magadh Medical College, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dudheshwar Singh
For the Opposite Party/s : Mr.Rajiv Nayan

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Magadh Medical College P.S.

Case No. 22 of 2001 registered for the offences punishable

under sections 3, 5, and 6 of the Explosive Substance Act, 1908.

As per the allegation the petitioner and co-accused

persons were manufacturing bomb like substance and in that

course a bomb exploded and some persons from accused side

sustained injuries and as per the informant the petitioner also

sustained injury in that occurrence and the accused persons

including the petitioner involved in manufacturing the bomb

like substance to attack and kill the prosecution party.

The main submissions advanced by learned counsel Shri Dudheshwar Singh, appearing for the petitioner are that the petitioner was granted provisional bail on 13.05.2002 by the Chief Judicial Magistrate Gaya in his case and thereafter the petitioner could not attend the trial of his case and accordingly his bail bond was cancelled on 12.07.2002 and thereafter the chargesheet was submitted in petitioner's case and the cognizance of the alleged offences was taken on 17.10.2002 by the court of Chief Judicial Magistrate and thereafter the case was committed to court of Sessions and the said developments were not in the knowledge of the petitioner and in the mean time the petitioner's case was split up and during that course the petitioner was declared absconder on 08.06.2005 and co-accused namely, Harinandan Singh was also declared absconder on 22.06.2007 by the trial court who has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 38530 of 2015. Further submission is that the petitioner is a block teacher and has been suspended from his service and now he is ready to co-operate in his trial before the court below and he is also ready to abide by all the conditions which may be imposed upon him.

Shri Rajiv Nayan, learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides, perused the case record. Though the petitioner has misused privilege of bail granted to him by the court below for a long period and owing to long absence of the petitioner the trial of the petitioner has lingered for a long time but considering the facts that one co-accused Harinandan Singh, who was also declared absconder during the relevant period when the petitioner was also declared absconder, has got bail from a co-ordinate bench of this Court and the petitioner who is a teacher is ready to abide by all the conditions if the same are imposed upon him, accordingly, in the opinion of this Court the petitioner deserves to a lenient approach of this Court.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the A.D.J.-VIII, Gaya, in Sessions Trial No. 51 of 2015/887 of 2007 arising out of Magadh Medical College P.S. Case No. 22 of 2001, on the condition that the petitioner shall attend his trial in the court below regularly with appearing physically. If he remains absent on two consecutive dates without any reasonable reason then the

learned court below shall cancel the bail bond of the petitioner and further one of the bailers shall be a close relative of the petitioner and the second bailer shall be a government employee.

(Shailendra Singh, J)

Hassan/maynaz/-

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