

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54023 of 2021

Arising Out of PS. Case No.-663 Year-2018 Thana- NATHNAGAR District- Bhagalpur

MD. SONIA @ MD SONIYA Son of Suddi Munsiji Resident of Mohalla-
Mantu Miyan Ji Lane Nathnagar, P.O. and P.S.- Nathnagar, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

A supplementary affidavit has been filed on behalf of
the petitioner and the same has been kept on record.

Heard Mr. Rajive Ranjan Singh, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Nathnagar P. S. Case No. 663 of 2018
registered for the offences punishable under Section 307 read
with 34 of the Indian Penal Code and Section 3/4 of the



Explosive Substance Act.

As per the prosecution case, it is alleged that while the police party was on patrolling duty, they received an information that a bomb was exploded in the house of Md. Chand and on the basis of the said information, they reached to the house of Md. Chand and during the course of interrogation, the police came to know that two days prior to the occurrence, Md. Chand was moving with this petitioner along with bomb, who used to smoke ganja with the co-accused persons and remanded in custody in case of bomb explosion. It is also alleged that on account of bomb explosion co-accused Md. Chand and his children have also sustained injuries.

Learned counsel appearing on behalf of the petitioner submitted that even as per the allegation made in the F.I.R., it is only alleged that two days prior to the occurrence, the petitioner was seen moving along with the bomb with co-accused Md. Chand, in whose house the explosion had taken place. It is further submitted that the petitioner was neither found present in the house of Md. Chand nor any incriminating material, much less, any explosive substance has been recovered from the house of the petitioner and only because of one criminal antecedent the particulars of which has been brought



on record by way of filing an affidavit, there is no other cases pending against the petitioner. It is lastly submitted that the petitioner is in custody since 16.09.2020, having fair antecedent and there is no substantive progress in the trial.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the explosion has taken place in the house of Md. Chand and save and except the allegation, two days prior to the present occurrence the petitioner was seen moving with the bomb along with the co-accused Md. Chand, there is no other material suggesting the complicity of the petitioner, apart from the fact that no incriminating material has been recovered from the possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XI, Bhagalpur in connection with Nathnagar P. S. Case No. 663 of 2018, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-



- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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