

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54509 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- KATRA District- Muzaffarpur

Santosh Sah Son of Shankar Sah Resident of Village - Dhanaur, P.S. - Katra,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-03-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Katra P.S.Case No. 96 of 2021 for the offences punishable
under Section 414,120B/34 of the Indian Penal Code and
section 25(1-b)a,26,35 of the Arms Act and section 3/4 of the
Explosive Substance Act.

As per allegation in the F.I.R, on the eve of Holi co-
accused Phuleshwar Sahni and Shiv Shanker Sah threatened the
villagers to hurl bomb. The police party proceeded to village
Dhanaur and apprehended co-accused Phuleshwar Sahni and on
his discloser , police raided the house of Shiv Shankar Sah,



from the house of Shiv Shankar Sah, one .315 bore rifle and a cartridge were recovered from one of the rooms. It is alleged that on the discloser made by Shiv Shankar Sah that he has given Grenade bomb to Santosh Sah to keep it under the bush and on his statement, the police apprehended Santosh Sah and whereupon on the discloser of Santosh Sah, the same has been recovered behind the under constructed bathroom.

Learned counsel for the petitioner submits that from the seizure list , it is evident that the bomb was rusted and the same was recovered not from the house rather from bush behind the semi constructed bathroom of the petitioner. It is further contended that petitioner is rotting in jail since 15.04.2021 having clean antecedent as stated in paragraph-3 of the petition. He further submits that the name of the petitioner has come on the discloser of Shiv Shankar Sah and his name was not taken by any of the villagers. Learned counsel for the petitioner also submits that co-accused Shiv Shankar Sah on whose statement, the name of the petitioner transpired and recovery has been made has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 39671 of 2021 vide order dated 14.02.2022.

The learned A.P.P opposed the prayer for bail of the



petitioner.

Having considered the submission made on behalf of the petitioner and also the materials brought on the record, especially, a rusted grenade bomb was found and further co-ordinate Bench has already granted bail to the other co-accused persons, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class East Muzaffarpur in connection with Katra P.S. Case No. 96 of 2021, on the following conditions:

“(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

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

N.K/-

(Harish Kumar, J)

U		T	
---	--	---	--

