

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54920 of 2021

Arising Out of PS. Case No.-287 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

Abhay Yadav S/O Chhotan Yadav @ Chhotelal Yadav R/O Village-Pachim
Tola, Barari, P.S-Barari, District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 01-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kotwali (Barari) P.S. Case No. 287 of 2021, registered for the alleged offences under Sections 341, 323, 504, 506, 385, 387, 34 of the Indian Penal Code and Sections 3, 4 and 5 of Explosive Substances Act.

As per the prosecution case, the petitioner and the co-accused persons abused the informant and exploded bomb and they were demanding extortion money from the informant.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and the present case is counterblast of Kotwali (Barari) P.S. Case No. 292 of 2021 which was filed by this petitioner against the informant and others. Except Section 387 IPC and Sections 3, 4 and 5 of Explosive Substances Act, all other sections are bailable in nature, but no offence under Section 387 IPC is made out as no threat was extended to life for parting with some property. During investigation, the police did not find the allegation for offence under Sections 3, 4 and 5 of Explosive Substances Act to be true and has not submitted the charge sheet under those sections. The instant case has been lodged after 21 hours for which there is no explanation. The charge sheet has been submitted in this case and the petitioner is in custody since 24.08.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and altogether 14 cases are pending against this petitioner.

Perused the records.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the case and counter case of the parties as well as



the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bhagalpur, in connection with Kotwali (Barari) P.S. Case No. 287 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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