

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51900 of 2022

Arising Out of PS. Case No.-690 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Md. Chand Son of Late Shamshir @ Samser Resident of Mohalla- Momin
Tola, Nathnagar, P.S- Nathnagar, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Manoj Kumar Jha, learned counsel appearing on behalf of the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Nathnagar P.S. Case No. 690 of 2021 registered for the offences punishable under Section 307 of the Indian Penal Code and 3/4 of Explosive Substance Act.

As per the prosecution case, it is alleged that the police on an information that a bomb was exploded in the *Gali* of Central Bank, Nathnagar in which two children have received injury, reached at the place of occurrence. It has been informed



that the children were playing in the *gali* and in course of playing one of the children took a small tin box from the garbage and thrown it on the earth, which resulted into explosion and due to which they received injuries. Nearby people told that this petitioner recently came out from the jail and they saw him crossing over the garbage and they suspected the hands of the petitioner in concealing the bomb in the garbage.

Learned counsel appearing on behalf of the petitioner submits that from the tenor of the FIR it is evident that no-one had seen the petitioner to conceal bomb in the garbage rather only a suspicion has been raised, save and except suspicion there is no material against the petitioner. He further submits that in fact only on account of the past criminal antecedent, his name has been implicated in this case, without any cogent material. He next submits that no incriminating article has been recovered from the person or possession of the petitioner and moreover, the investigation of the crime is already complete and the charge-sheet has been submitted and he is ready to give undertaking that he will fully co-operate in the trial. He lastly submits that the petitioner is in custody since 31.01.2022, and moreover, during the course of investigation, nothing has come



against the petitioner, suggesting the complicity of the petitioner in the present crime.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has found involve in nine other criminal cases.

In response to the aforesaid submissions, learned counsel for the petitioner submits that the petitioner has been allowed bail in all the cases, as mentioned in paragraph no. 3 of the bail petition.

It is needless to say that mere criminal antecedent of a person cannot be treated as sole ground to keep the person behind the bar for an indefinite period.

Having regard to the submissions made on behalf of the parties and considering the nature of allegation and the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-X, Bhagalpur in connection with Nathnagar P.S. Case No. 690 of 2021, subject to the condition that one of the bailors will be the close relatives 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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