

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55988 of 2022

Arising Out of PS. Case No.-79 Year-2008 Thana- MOTIHARI MUFASIL District- East
Champaran

Shivnath Sahani, Son of Late Tila Sahani, Resident of Village-Hussanpur
Naya Tola, Police Station, Sahebgaj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate
For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-12-2022 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Muffasil
P.S. Case No.79 of 2008 (Trial No.1329 of 2022) registered for
the offence punishable under Sections 4, 5 and 6 of the
Explosive Act.

The police have arrived at the place for verifying
some allegation of assembly of anti-social elements when
certain persons have fled away. Ten live crude bombs and one
kilogram *Sutali* (rope) and some articles, which were capable of
being used in preparation of a bomb, have been recovered from



the maize field. One co-accused Lalan Baitha was arrested, who has disclosed that the petitioner is also involved and that he was one of the persons who has fled away.

Petitioner's counsel submits that the petitioner's implication is based solely on the confessional statement of co-accused. The petitioner has no connection with the occurrence and has been implicated on extraneous considerations. While he is in custody in connection with the cases, detailed in paragraph 3 of the petition, he has been remanded in this case also. He is in custody in this case since 04.10.2021. There is no recovery from the petitioner so as to connect him with the alleged offence.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions and in the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 learned Chief Judicial Magistrate, East Champaran, in connection with Muffasil P.S. Case No.79 of 2008 (Trial No.1329 of 2022),



subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

PNM

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

