

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71504 of 2021

Arising Out of PS. Case No.-438 Year-2019 Thana- JAYNAGAR District- Madhubani

Ajit Yadav Son of Ganga Prasad Yadav Resident of Village- Gobrahi, P.S.-
Jaynagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Rajeev Nayan, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Jaynagar P.S. Case No. 438 of 2019 instituted for the offences under Sections 3 and 4 of the Explosive Substance Act read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 07.07.2021, charge-sheet has been submitted in the case and antecedent of 3 cases exists.

Learned counsel for the petitioner submits that the allegation is on secret information, some miscreants have thrown bomb and other articles near Rambabu brick kiln. On information, the informant reached at the place and recovered country made bomb and black-blue bomb and empty cartridge



from the field of Rambabu brick kiln.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. He has been only made accused in this case on the basis of confessional statement of co-accused Bikram Mishra @ Lal Mishra and Abhishek Mishra. Further, submits that no incriminating articles has been recovered from the possession of the petitioner. It is further submitted that co-accused namely, Bikram Mishra @ Lal Mishra and Abhishek Mishra have already been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 10.07.2020 and 28.06.2021 passed in Cr. Misc. No. 22771 of 2020 and 37741 of 2021 respectively.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 07.07.2021, charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhubani in connection with Jaynagar P.S. Case No. 438 of 2019 subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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