

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63329 of 2022

Arising Out of PS. Case No.-238 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Md. Naushad @ Naushad Son Of Late Md. Quamruddin R/O Mohalla- Baxy
Maidan, P.S.- Chawk And Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammed Abu Haidar, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chowk
P.S. Case No. 238 of 2022 registered for the offence under
Section 308 of the Indian Penal Code and under Section 3/4 of
Explosive Substance Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.06.2022.

The allegation against the petitioner is to make an
attempt for culpable homicide not amounting to murder by
exploding bomb, along with other co-accused persons, to create
a terror in localities, where police personnel is the informant.



Learned counsel appearing on behalf of the petitioner submitted that admittedly informant is not the eye witness of the occurrence and the entire allegation is based upon suspicion. It is further submitted that no one received injury out of said occurrence. It is also submitted that regarding same set of occurrence a case was also lodged by private person, where it was raised through F.I.R. that the firing was made instead of hurling bomb, creating a doubt over entire allegation as raised through present F.I.R. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation is based upon suspicion, where petitioner is in custody since 09.06.2022 coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chowk P.S. Case No. 238 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Patna City



(Patna)/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C with further condition:

“That learned Trial Court get it verified that if the petitioner is a man of clean antecedent, thereafter bail bond of the present petition shall be accepted.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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