

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5293 of 2023

Arising Out of PS. Case No.-156 Year-2021 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

=====

Md. Chand S/O Late Shamseer @ Samser Resident of Village- Momin Tola,
Ali Bux Lane, P.S.- Nathnagar, District- 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. Binod Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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.

Petitioner seeks bail who is in custody since
03.03.2022 in connection with S.T. No. 672 of 2022 arising out
of G.R.P.S. Case No. 156 of 2021, F.I.R. dated 09.12.2021 for
the offences punishable under Section 302 of the Indian Penal
Code and Sections 3, 4 and 5 of the Explosive Substance Act.

According to prosecution case, some explosive
substance was kept by some unknown criminal which was
exploded and one ragpicker aged about 50 years was badly
injured and later on died due heavy blood loss.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation after 12 days of the alleged occurrence. He further submits that the police has recorded the statement of two witnesses, namely, Md. Rizwan and Md. Abdulla in paragraph no. 78 and 79 of the case diary who have raised suspicion about the petitioner. And except the aforesaid, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner on 30.05.2022. The petitioner is in custody since 03.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries eleven criminal antecedents other than the present one but fairly submits that the petitioner is on bail in all the cases.

Considering the aforesaid facts and circumstances, 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 the learned 15th



Additional Sessions Judge, Bhagalpur in connection with S.T. No. 672 of 2022 arising out of G.R.P.S. Case No. 156 of 2021, 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 absence on two consecutive dates without sufficient reason, his 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.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Vanisha/-

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

