

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4956 of 2023

Arising Out of PS. Case No.-691 Year-2022 Thana- DIGHA District- Patna

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Raju Kumar Son of Om Prakash @ Om Prakash Sah @ Om Prakash Saw R/o
Mohalla- Haripur Colony P.S- Digha, dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan, Advocate
Ms. Sweta Anand, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-03-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with Digha
P.S. Case No. 691 of 2022 registered for the offences punishable
under Sections 285, 286, 290, 336 of the Indian Penal Code and
Sections 5, 5(A), 9(B) of Explosives Act.

As per the prosecution, the police personnel upon
secret information raided the alleged house of this petitioner and
recovered huge quantity of explosive substance stored without
any proper documents.

The main submissions advanced by the learned
counsel for the petitioner are that the FIR has been registered
under Sections 285, 286, 290, 336 of IPC and 5, 5(A)/9(B) of
Explosives Act, among these offenses, the offences punishable



under sections 286, 290, 336 are bailable and the offence punishable under section 9 (B) of Explosives Act is also bailable and the maximum punishment for the said offence is three years and offence under Section 5(A) of Explosives Act is not applicable in this case as the recovered explosive materials were not kept by the petitioner for unlawful purpose and as per the allegation only large amount of fire crackers have been recovered from the house of this petitioner and same were kept by the petitioner for festival purpose and the petitioner has fair and clean antecedent and has been languishing in jail since 20.10.2022.

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

Considering the aforesaid facts and mainly the petitioner's fair and clean antecedent and also the fact that the recovered explosive materials which were found in large quantity from the house of this petitioner are described in the seizure list as fire crackers and there is no allegation by prosecution as to the petitioner's past involvement in such type of occurrence as alleged in the present case, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner 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 concerned Court in connection with Digha P.S. Case No. 691 of 2022.

(Shailendra Singh, J)

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