

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12581 of 2022

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

Manish Kumar Yadav @ Manish Yadav Son of Rajeshwar Yadav @ Raje
Yadav Resident of Village - Pithwa Tol, Ward No.11, P.S.- Deodha, Distt.-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 18-01-2023 The applicant is accused in Crime No. 438 of

2019 registered with Jaynagar Police Station giving rise to

Sessions Trial No. 151 of 2021 for the offences punishable

under Sections 3/4 of the Explosive Substance Act and

Section 27 of the Arms Act. By this application he is

seeking his release on bail during pendency of the trial.

His earlier bail application was rejected by the
coordinate Bench of this Court on 19.02.2021 with an
observation that if the trial is not concluded within a period
of six months, then the applicant shall have liberty to move
afresh.

The learned counsel for the applicant argued that
despite lapse of much time, the trial is not concluded and

there is no iota of evidence against the applicant. According to him, name of the applicant has surfaced on record of investigation on the basis of confessional statement of Abhishek Mishra who is already directed to be released on bail by the coordinate Bench of this Court on 13.12.2021 in Cr. Misc. No. 37741 of 2021.

The learned Additional Public Prosecutor opposed the application by contending that the crime in question is serious.

It is not in dispute that the applicant is undergoing pre-trial detention from 04.01.2020. The charge-sheet has already been filed in the matter. Allegation against the accused is to the effect that they had thrown some explosive substance near Chimney of Ram Babu. Police recovered three country made Bombs and one empty apart from some surly articles from the spot of the incident.

The name of the applicant is surfaced on record on the basis of confessional statement of the co-accused Abhishek Mishra. It appears that Abhishek Mishra is implicated in the crime in question on the basis of confessional statement of Md. Saddam. Nothing is

recovered from the applicant. The investigation of the subject crime is already over. Therefore the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 438 of 2019 giving rise to Sessions Trial No.151 of 2021 registered with Jaynagar Police Station be released on bail on executing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) and on furnishing surety of the like amount to the satisfaction of the Learned Additional Session Judge – 11th, Madhubani with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission

of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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