

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12535 of 2023

Arising Out of PS. Case No.-357 Year-2021 Thana- SONBERSA District- Sitamarhi

Santosh Kumar, Son Of Raghubir Paswan, R/O Vill.- Sahorba, Ward No. 18,
P.S.- Sonbarsa, Distt.,- Sitamarhi (Bihar)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Dr. Indivar Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 324 & 307 of the Indian Penal Code and Section 3/4 of the Explosive Substance Act.

As per prosecution case, daughter of the informant along with other children were playing near the field, situated east side of house of the informant. It is further alleged that in this course they found a ball like substance from the straw heap and started playing with that. During this, the ball like substance fell down and exploded due to which heavy smoke engulfed and all the three children got injured. Informant has confidence that some unknown



miscreants have concealed the bomb there.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in the F.I.R. It is stated in para 8 of the petition that petitioner is in Judicial custody since 09.12.2021 in connection with Sursand P.S. Case No. 561 of 2021, much prior from the date of alleged occurrence. There is no eye witness of the alleged occurrence. His name has been transpired on the basis of confessional statement of co-accused, before the police, which has no evidentiary value in the eye of law. Similarly situated co-accused Pramod Kumar Sah @ Doctor Saheb and Hakim Sah @ Mostkim have already been granted bail by different Co-ordinate Benches of this Court vide order dated 07.02.2023 passed in Cr. Misc. No. 59140 of 2022 and 03.05.2023 passed in Cr. Misc. No. 7749 of 2023 respectively. Moreover, the petitioner was remanded in this case from aforesaid P.S. Case No. 561 of 2021 on 10.08.2022 and since then he is languishing in judicial custody.

Learned APP appearing for the state has opposed



the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sonbarsa P.S. Case No. 357 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi.

(Sunil Kumar Panwar, J)

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