

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22090 of 2023

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

Bhola Sah @ Sambhu Sah Son Of Late Yugal Sah R/O Village- Basatpur,
Ward No.7, P.S.- Srinagar, District- Sarlahi (NEPALI)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhubala Verma, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 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
18.08.2022 in connection with Sonbarsa P.S. Case No. 357 of
2021, F.I.R. dated 22.12.2021 for the offences punishable under
Sections 324 and 307 of the Indian Penal Code and Section 3/4
Explosive Substance Act.

According to prosecution case, three minor girls are
said to have got injured on account of explosion of explosive
substance, which are alleged to have been kept by some
unknown persons.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. She further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused, namely, Pramod Kumar Sah @ Doctor Saheb. She further submits that except suspicion, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. She further submits that the police after investigation submitted the charge sheet against the petitioner. She further submits that similarly situated, co-accused, namely, Pramod Kumar Sah @ Doctor Saheb has been granted bail by this Court vide order dated 07.02.2023 passed in Cr. Misc. No. 59140 of 2022. The petitioner is in custody since 18.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries seven criminal antecedents other than the present one.

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 Chief



Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S.

Case No. 357 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)

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