

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22265 of 2022

Arising Out of PS. Case No.-394 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

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DHARAM RAM S/o Late Sri Gopi Ram Resident of Mohalla- Ramsar, P.S.-
Tatarpur, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Navjot Yesu

For the Opposite Party/s : Mr.Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 12-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Jagdishpur P.S. Case No. 394 of 2021 registered for the offences
punishable under Sections 447/307/34 of the Indian Penal Code
and ³/₄ of the Explosive Substance Act.

As per prosecution case, the informant got secret
information that the son of Naresh Ram was making bomb with
the present petitioner and in the meanwhile the bomb blasted and
the present petitioner sustained injury. It is further alleged that the
informant and other proceeded and reached the place of
occurrence but did not find any person in the house of the Naresh



Ram. After enquiry it is found that injured person happens to be the present petitioner who is son-in-law of Naresh Ram. It is further alleged that police inspected the place of occurrence and found preparatory materials of explosive substance were kept alongwith other articles which were seized by the police.

Learned counsel for the petitioner submits that petitioner is in custody since 12.01.2022. Petitioner bears criminal antecedent of one case. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is himself victim of circumstances of the present case. From the perusal of the F.I.R. it is clear that no case under Section 307 of the IPC is made out against the petitioner as the petitioner has not done any act which leads to attempt to murder of any person. There is no overt-act attributed against the petitioner and there is no eye witness of the alleged occurrence. From the perusal of the FIR, regarding the date of occurrence it appears that there was festival of Diwali and some explosive substance were kept just to celebrate the said festive occasion. Petitioner has been falsely implicated in the present case as petitioner's in laws are having inimical terms with the co-villagers.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, petitioner above named shall be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 394 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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