

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39058 of 2023

Arising Out of PS. Case No.-197 Year-2022 Thana- MADANPUR District- Aurangabad

NANDU KUMAR @ PRIYAM KUMAR @ PRIYAM Son of Ram Chandra
Yadav @ ABADH BIHARI YADAV Resident of village - Sijuahi, P.S. -
Madanpur, Distt. - Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 121, 121A, 186, 302,
120B of the Indian Penal Code, Sections 3/4 of the Explosive
Substance Act and Sections 16, 18, 20, 38 and 39 of the U.A.P.
Act.

3. As per prosecution case, the allegation against the
petitioner along with others moving in the jungle since last two
months with intention to cause damage to the police bomb has
been planted under the earth. On several occasion they have
threatened the villagers as such no information was given to the
police. On 25.04.2022 morning they have left there cattle and



her husband received information that her cow has given birth and for searching of cow her husband had gone to jungle but he did not found the cow. It is further alleged that the informant's husband was coming back in that course his left leg came upon the bomb planted by Naxals and because of that he became injured and after sometime he died.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. There is no consistent evidence and no eye-witness of the alleged occurrence. During investigation, no explosive substance were found or recovered either from the place of occurrence or from nearby place of occurrence and without any cogent material, the petitioner has been made accused in this case. There is inordinate delay in lodging the FIR and without giving information to the police the dead body was cremated, which create cloud regarding the truth of the instant case. He further submitted that from the perusal of the case diary, it appears that one dead person namely Sandip Yadav has been made accused and family member of him produced his death certificate. He is languishing in judicial custody since 24.01.2023.

5. The application for bail is opposed by learned APP



for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Madanpur P.S. Case No. 197 of 2022.

(Sunil Kumar Panwar, J)

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