

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34495 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- PHULWARIYA District- Gopalganj

NEK MOHAMMAD @ NEK MOHAMAD Son of Late Halm Miya Resident
of Village - Bathua Bazar, P.s.- Phulwariya, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 285, 286, 427, 120B/34 of the Indian
Penal Code.

The case relates to explosion of explosive substance
illegally kept in the house of Halim Miya resultantly Halim Miya
and his son got burnt injuries.

Learned counsel for the petitioner submits that the
petitioner, who is of clean antecedent, is innocent and has not
committed any offence rather he has falsely been implicated in
this case. He further submits that the father of the petitioner was
granted license for selling crackers and accordingly, the stock of
crackers were kept in the house of the petitioner. He further



submits that the petitioner has not played any role in the alleged occurrence. He further submits that the petitioner is rotting in judicial custody since 11.03.2022.

Learned A.P.P. appearing for the State on the basis of material available on record has vehemently opposed the prayer for bail of the petitioner and submits that the father of the petitioner has been granted license for selling the crackers but it appears from the F.I.R. as well as F.S.L. report that the petitioner along with his father were illegally indulged in manufacturing of crackers or some other explosive items in their house and during manufacturing, explosion took place due to their negligence in the house causing injuries to the victim.

Considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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