

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42358 of 2022

Arising Out of PS. Case No.-280 Year-2011 Thana- BARACHATTI District- Gaya

Chalitar Yadav Son of Bashudev Yadav Resident of Village- Chordaha, P.S-
Barachatti, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 15-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Barachatti P.S. Case No. 280 of 2011 registered for the offences punishable under Section 3/4 of Explosive Substances Act and Section 17 of C.L.A. Act.

Allegedly, the informant recovered a cane bomb and the same was found to be effective by the bomb squad. It is suspected by the informant that the same was planted near a school by ‘MCC’ group.

The main submissions advanced by learned counsel for

the petitioner are that against the petitioner there is criminal antecedent of five cases which were lodged prior to the year 2015 and thereafter no case was lodged against him, except the instant matter and the petitioner is on bail in the cases of his criminal antecedents except two cases and during investigation the name of the petitioner surfaced in the statement of co-accused namely, Niru Yadav who has been granted bail by a coordinate bench of this Court vide order passed in Cr. Misc. No. 25604 of 2012, dated 01.08.2012 and the case of this petitioner stands on better footing from the case of said co-accused Niru Yadav and the petitioner has been languishing in jail for the last ten months and except the statement of co-accused given before the police there is no other material to show the involvement of the petitioner in planting the alleged explosive bomb. Further submission is that the FIR was registered against unknown persons by the police and a bomb was found near a school and the police suspected that the said bomb was planted by prohibited group namely, 'MCC' but no explosion took place and no one sustained injury in that matter.

Learned APP has opposed the bail prayer of the petitioner.

Having considered the above submissions and mainly the facts that the petitioner is not named in the FIR and as per above

submission his name surfaced in the statement of co-accused Niru Yadav who has been granted bail by a coordinate bench of this Court and the learned Court below mainly placed reliance on petitioner's criminal antecedents while rejecting his bail prayer but as per the statement made in this miscellaneous petition the petitioner has got bail in most of the cases of his criminal antecedents and moreover the cases of his antecedents were lodged prior to the year 2015, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount to the satisfaction of the concerned Court in connection with Barachatti P.S. Case No. 280 of 2011.

(Shailendra Singh, J)

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