

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43255 of 2022**

Arising Out of PS. Case No.-28 Year-2021 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

MD BABLU Son of Md. Muslim, Resident of Village - Janipur, P.S.-
Sahkund, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 12-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Rail. (Bhagalpur) P.S No.28 of 2021, registered for the offences punishable under Section 4 of Explosive Substance Act, 13,16,18, 23 of the Unlawful Activity Prevention Act and Section 164 and 174 of the Indian Railway Act.

The allegation is regarding the informant having received information that a bomb had been planted at the railway track in question, whereafter the police force had arrived



at the spot and upon search a bomb was recovered along with one purse containing the photograph of the petitioner and some other mobile numbers.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 26.05.2022. The learned counsel for the petitioner has submitted that the petitioner is not in any manner connected with the alleged occurrence inasmuch as there is no evidence regarding the petitioner having planted the bomb in question.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that the petitioner is not having a clean antecedent as is apparent from paragraph 37 of the case diary. It is further submitted that enough material is available in the case-diary to connect the petitioner with the alleged occurrence.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering those available in the case-diary, I deem it fit and proper to grant liberty to the petitioner to file fresh bail petition before the learned court of Railway Magistrate, Bhagalpur in connection with Rail (Bhagalpur) P.S. Case No.28 of 2021, disclosing his antecedents, immediately upon framing of charge by the learned trial court, whereupon the learned trial court shall consider the prayer of the petitioner for grant of bail objectively, by also taking into account the period of incarceration of the petitioner and shall dispose of his application on the very same day.

This petition stands disposed of with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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