

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51170 of 2023

Arising Out of PS. Case No.-436 Year-1993 Thana- BEGUSARAI TOWN District- Begusarai

Ashok Singh @ Ashok Kumar Singh Son Of Late Achhewat Singh R/O-
Ashok Nagar, Pokharia, P.S.-Begusarai Town, Distt.-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P. N. Shahi, Sr. Advocate Mr. Aryan Singh, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 11-10-2023 Heard Mr. P. N. Shahi, learned senior counsel for the

petitioner and Mr. Shyameshwar Dayal, learned APP for the

State.

2. The petitioner seeks bail in connection with
Begusarai Town P.S. Case No. 436 of 1993 registered for the
offence punishable under Sections 302 and 34 of the Indian
Penal Code and 3/4 of the Explosive Substance Act.

3. It is alleged that the petitioner threw bomb near the
Jail gate in which some persons received injury.

4. Learned counsel for the petitioner submits that the
petitioner has no criminal antecedent and he is in custody since
18.06.2023. He further submits that the petitioner is quite
innocent and has been falsely implicated in this case due to the



previous enmity.

5. Learned senior counsel for the petitioner has submitted that though the petitioner is named in the FIR, the police did not arrest the petitioner. He further submits that Tuntun Singh a veteran criminal, the informant and his brother were accused of killing the brother and father of the petitioner and petitioner was falsely implicated in this case. During investigation, the witnesses namely, Badri Narayan Singh, Advocate and one officer-in-charge of Bakhtiyarpur Police Station have given statement that the petitioner was with them in Patna for his case and was not involved in the crime. Bhola Singh, an Ex-Union Minister had also given statement during investigation that the petitioner was not involved in the crime.

6. The petitioner was never chargesheeted in this case. Chargesheet was submitted against one accused Bulletwa on 26th July, 2018 and the Magistrate took cognizance against Bulletwa as well as the petitioner and thereafter the petitioner was arrested. The petitioner is suffering from serious breathing disease as has been reported by the authorities and considering the same he was granted provisional bail on 25.08.2023.

7. Learned APP appearing for the State opposes the prayer for regular bail of the petitioner.



8. Considering the materials available on record, I am of the view that when the police did not find any material against the petitioner to chargesheet him, the petitioner should not have been sent to jail just because cognizance was taken against him.

9. In these circumstance, the provisional bail granted to the petitioner vide order dated 25.08.2023 is hereby confirmed with the same terms and conditions.

10. In view of the above, this application is accordingly, allowed.

(Sandeep Kumar, J)

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