

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52037 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- TATARPUR District- Bhagalpur

MD. AZAD S/O SHAMI ALAM Resident of Village- Chamelichak, P.S.-
Habibpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

9 22-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Tarapur P.S. Case No. 45 of 2022 instituted for the offence under Sections 326, 307, 302/34 of the Indian Penal Code and Sections 3, 4, 5 of the Explosive Substance Act.

3. As per allegation in the FIR, there was an explosion at the house of Lilawati Devi & Mahendra Mandal due to which fourteen (14) persons have lost their life including both of them and nine (9) persons were badly injured. The reason behind the present explosion is illegally storage of huge quantity of explosive substance at the residential house. The present petitioner is alleged to have supplied the raw materials of explosive substance for making crackers and he was also



helping Lilawati Devi and Mahendra Madol for its storage and selling.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case. As a matter of fact, the petitioner operated gril sutter welding shop near the place of occurrence and he has no concern with making crackers by explosive material. During course of investigation, no consistent material has come against the petitioner which suggests his complicity. No any incriminating article was recovered from conscious possession of the petitioner. He has got no criminal antecedent and languishing in judicial custody since 7.3.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the FIR. From perusal of paras 38 to 44, the injured persons including the witnesses of this case have supported the prosecution case and stated that the petitioner was supplier of the explosive substance for making crackers which was mistakenly exploded due to which 14 persons died and 9 persons sustained injuries. The petitioner also confessed his guilt regarding providing the raw material of explosive substance which is evident from para-124 of the case diary.



6. Having heard the learned counsel for the parties and considering the gravity of the offence, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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