

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47192 of 2023

Arising Out of PS. Case No.-277 Year-2023 Thana- SASARAM NAGAR District- Rohtas

Md Shahzad Alam Son Of Majeed R/O-Sherganj, P.S.-SASARAM, Distt.-
ROHTAS Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47306 of 2023

Arising Out of PS. Case No.-277 Year-2023 Thana- SASARAM NAGAR District- Rohtas

Md. Shahabuddin @ Sahbu @ Sahabu S/O Late Salaudolin Khan R/O
Mohalla- Mochi Tola, P.S- Sasaram(Town), Distt.- Rohtas.... .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53765 of 2023

Arising Out of PS. Case No.-277 Year-2023 Thana- SASARAM NAGAR District- Rohtas

MD. IRFAN SON OF MD. JAMIL @ MOBIN AHMAD @ SHEIKH
MOBIN AHMAD MOHALLA SHERGANJ P S SASARAM (T) DISTRICT
ROHTAS Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47192 of 2023)

For the Petitioner/s : Mr.D.K.Sinha, Sr.Advocate

:

Mr.Alexander Ashok, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

(In CRIMINAL MISCELLANEOUS No. 47306 of 2023)

For the Petitioner/s : Mr.Priyaranjan Singh, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

(In CRIMINAL MISCELLANEOUS No. 53765 of 2023)

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard Mr. D.K.Sinha, learned senior counsel, Mr. Priyaranjan Singh, learned counsel and Mr. Bhaskar Shankar, learned counsel appearing for the petitioners and learned APP for the State in these applications.

2. The petitioners seek bail in connection with



Sasaram P.S.Case No.277 of 2023, F.I.R. dated 02.04.2023 registered for the offence punishable under Section 114, 115, 117, 118, 120B, 153(A)(A), 201, 307/34 of the Indian Penal Code and Sections 3/4 of the Explosive Substance Act.

3. As per prosecution case, the allegation against the petitioners and co-accused persons is of making bombs for exploding on the occasion of Ram Naumi Julius and during the process of making, the bomb exploded. Co-accused Md. Firoj is alleged to have used the rented house for making bombs.

4. Learned senior counsel appearing for the petitioners submits that petitioner-Md. Shahzad Alam and petitioner-Md. Irfan have clean antecedent and petitioner-Md. Shahabuddin @ Sahbu@ Sahabu carries one more case other than the present one but he is on bail in the said case. Further submits that the petitioners have falsely been implicated in the present case and petitioner-Md. Shahabuddin @ Sahbu@ Sahabu is not named in the FIR, his name has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Zubair Khan. Learned counsel for the petitioner submits that due to previous enmity the name of petitioner-Md. Shahabuddin @ Sahbu@ Sahabu has falsely been implicated in the present case and the present occurrence had taken place in



the house of Makbal Fatima and she has rented the house to one Md. Firoz and petitioner-Md. Shahzad Alam and petitioner-Md. Irfan were present at the place of occurrence and petitioner-Md. Shahabuddin @ Sahbu @ Sahabu was not present at the place of occurrence, even he is not named in the FIR. Further submits that the petitioners have no concern at all with the alleged occurrence or other co-accused persons and no other material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence and the co-accused persons, namely, Md. Adil Khan, Md. Ekhlak Ahmed @ Md. Akhlak @ Md. Akhlaque, Md. Firoj @ Md. Firoz Akhtar, Md. Akram and Md. Samir have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 25.07.2023, 26.07.2023, 10.08.2023 and 11.08.2023 passed in Cr. Misc. Nos. 44339 of 2023, 44091 of 2023, 47658 of 2023, 42737 of 2023 and 49751 of 2023 respectively and the police, after investigation, submitted chargesheet against the petitioners. Mr. D.K.Sinha, learned senior counsel submits that the date of custody of petitioner-Md. Shahzad Alam as mentioned in the impugned order is wrong and he has referred the paragraph-318 of the case diary which suggests that he is in custody since 04.05.2023. Petitioner-Md. Irfan and petitioner-



Md. Shahabuddin @ Sahbu@ Sahabu are in custody since 03.04.2023 respectively.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram P.S.Case No.277 of 2023, with the following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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