

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53592 of 2023**

Arising Out of PS. Case No.-81 Year-2023 Thana- BAUNSI District- Banka

HIRA YADAV SON OF ARJUN YADAV RESIDENT OF VILLAGE  
BARMANIYA, POLICE STATION BOUNSI, DISTRICT BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Mukherjee, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      23-08-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with Bounsi P.S.  
Case No. 81 of 2023 registered for the offence under Sections 3  
and 4 of the Explosive Substance Act.

The petitioner along with another co-accused have  
been nabbed by the police having possession of two small tin  
boxes explosive substances in a white plastic bag kept in the  
paddy godown of Amrendra Sah @ Guddu Sah but during search  
they have managed to escape from the police custody.

Learned counsel appearing for the petitioner submits  
that the petitioner is innocent and has falsely been implicated in  
this case. He further submits that on bare perusal of the F.I.R. and  
the seizure list that the recovery of alleged explosive substance



boxes have been made from the godown of the co-accused, Amrendra Sah @ Guddu Sah and the petitioner was there on the spot while the raid was conducted and the co-accused has managed to escape away from the place of occurrence. He further submits that the petitioner has falsely been implicated in this case merely on the ground of his previous antecedent. Nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 12.04.2023.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one but fairly submits that out of seven, he has been acquitted from three cases and allowed bail in four cases.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/ court concerned, Banka in connection with Bounsi P.S. Case No. 278 of 2023 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)**

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