

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57266 of 2022

Arising Out of PS. Case No.-471 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

RADHA KRISHNA SINGH @ KRISHNA CHAUDHARY @ RADHA
KRISHNA CHAUDHARY Son of Late Barhmdev Singh Resident of Village
- Fazilpur, P.S.- Sasaram (M), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal,Sr.Adv.

Mr. Ajay Kumar Tiwari,Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-02-2023 Heard the learned senior counsel for
the petitioner, Mr. N. K. Agrawal and the learned
APP for the State, Mr. Kumar Birendra Narayan.

The petitioner seeks regular bail in
connection with Sasaram (M) P.S. Case No.471 of
2021, registered for the offence punishable under
Section 3/4 of Explosive Substances Act, 1981.

The case of the prosecution, in brief,
according to the informant is that when he along
with his police force was on patrolling duty, he
received a secret information that the petitioner
and one another co-accused person, namely,
Gauri Shankar have kept huge quantity of



explosive substance in their house, whereupon a raid was conducted at the *dallan* of the house of the petitioner and 100 kg of explosive substance was recovered. The impugned order dated 06.09.2022 records the fact that the said explosive substance was sent to the Forensic Science Laboratory, Bihar, Patna and it has been reported that samples sent to the said laboratory are ingredients of Improvised Explosive Device.

The learned senior 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 26.06.2022. The learned senior counsel for the petitioner has further submitted that the petitioner is an accused in three other cases, but he is on bail in the said three cases. The learned senior counsel for the petitioner has also submitted that since the seizure list has neither been given to the petitioner nor his family members, there is violation of Section 100 Cr.P.C. The learned senior counsel for the petitioner has next submitted that the



petitioner is ready to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

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 available on record as also considering the allegations levelled against the petitioner, though I am not inclined to grant bail to the petitioner at the moment, but I deem it fit and proper to grant liberty to the petitioner to renew his prayer for bail, immediately upon framing of charge by the learned trial court.

Accordingly, the present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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