

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58256 of 2023

Arising Out of PS. Case No.-720 Year-2022 Thana- DEHRI TOWN District- Rohtas

PREM PANKAJ KUMAR Son of Ramata Singh @ Ramta Kumar Singh R/o
vill - Wajirganj, P.S. - Sasaram (M), Distt. - Rohtas at Sasaram

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dehri Town P.S. Case No.720 of 2022, F.I.R. dated 15.09.2022 registered for the offence punishable under Sections 4/5 of Explosive Substance Act, 1908.

3. The prosecution case, in short, is that one Scorpio, loaded with explosive substances, along with one person was apprehended by the police and the apprehended person namely Sidharth Kumar disclosed the name of petitioner and others, who are indulged in sell and purchase of such substances. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that during the course of investigation his name



has been transpired in this case on the basis of the confessional statement of co-accused namely, Sidhanth Kumar and from perusal of the FIR as well as seizure list that no incriminating article has been recovered from the conscious possession of the petitioner, rather recovery has been made from the vehicle in question. Further submits that petitioner is neither the driver nor the owner of the vehicle in question and he has no concern at all with the alleged recovery of explosive substance and except the disclosure made by the co-accused person no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person have been granted bail vide order dated 07.08.2023 in Cr. Misc. No.42895 of 2023, his name has also transpired in this case on the basis of the confessional statement of co-accused namely, Sidhanth Kumar.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner stating that the petitioner is named in the FIR and apart from that the petitioner carries one criminal antecedent other than the present one, but fairly submits on the basis of paragraph-3 of the petition in which petitioner is on bail.

6. Considering the aforesaid facts, let the petitioner,



above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Dehri, Rohtas in connection with Dehri Town P.S. Case No.720 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) 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 absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

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

(iii) 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 antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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