

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59685 of 2022

Arising Out of PS. Case No.-286 Year-2022 Thana- KHAIRA District- Saran

-
1. Md. Ekraj @ Sarfraj Alam @ Sarfraj Son Of Bachcha Miya R/V-
Khodaibag, P.S- Khaira, Dist- Saran
 2. Rustam Son Of Mainnuddin @ Md. Mainudeen R/V- Khodaibag, P.S-
Khaira, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

- 3 24-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Khaira P.S. Case No. 286 of 2022 lodged under Sections 304 of
the I.P.C. read with Section 3/4/5 Explosive Substance Act.

As per the prosecution case, the allegation of
Explosive Substance Act along with Section 304 of the I.P.C.
are there in the F.I.R. Petitioners are named accused in the F.I.R.

Learned counsel for the petitioners submits that
petitioners are neither resident of the locality where the said
explosion took place. Counsel submits that petitioner no.1 is the
people's representatives and under conspiracy, his name has
come whereas petitioner no.2 is also not the resident of the said

locality rather he is residing with the petitioner no.1, due to political reasons, his name has figured in this case.

Counsel further submits that antecedent of the petitioners are clean and P-1 is in custody since 11.08.2022 and P-2 is in custody since 26.07.2022. Counsel submits that the other co-accused who is resident of the said locality have been granted bail by the Co-ordinate Bench of this Court vide order dated 17.02.2023 passed in Cr. Misc. No.62859 of 2022

Learned counsel for the State opposes the prayer for bail and submits that if bail shall be granted without framing of charge, there may be difficulty in conclusion of the trial.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.

The Trial Court is directed to release them on bail, thereafter imposing its own conditions, so that they may not evade their appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

prakashmani/-

U		T	
---	--	---	--