

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60385 of 2023

Arising Out of PS. Case No.-359 Year-2023 Thana- BIHAR District- Nalanda

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MOHD. ROCKY @ AZAD SON OF MOHD. SARFUDDIN RESIDENT OF
VILLAGE - BADI DARGAH, P.S. - BIHAR, DISTRICT - NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Bihar P.S. Case No. 359 of 2023 for the offence punishable under Sections 290, 336, 120B of the Indian Penal Code and section 3/4 of the Explosive Substance Act lodged on 22.4.2023 by the informant, Niraj Kumar Singh.

3. As per the prosecution story, the allegation is that smoke was found coming out of the hut and some injured persons were trying to escape. The same was captured in CCTV, the petitioner was identified as one of them. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has already suffered by being in custody since 04.05.2023 (paragraph-7 of the petition) despite the fact that he do not have



criminal antecedent. Learned APP opposes the prayer stating that stating that they were preparing the bomb which resulted into their injuries.

5. Taking into account the fact that the petitioner is only 22 years of age, already suffered, is in custody since 04.05.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

6. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif, in connection with Bihar P.S. Case No. 359 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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