

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63739 of 2023

Arising Out of PS. Case No.-580 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

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Ankush Chaudhary @ Ankush Kumar S/O Shashikant Chaudhary @
Shashikant Singh R/O Village- Wazirganj, P.S- Sasaram Muffasil, Distt.-
Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. D.K. Sinha, Sr. Advocate
Mr.Alexander Ashok, Advocate
For the Opposite Party/s : Mr.Binod Kumar No.3, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned senior counsel for the petitioner and
learned APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Sasaram (M) P.S. Case No.580 of 2022 registered for the offences punishable under Sections 3/4 of the Explosive Substances Act. The petitioner has got two criminal antecedent in which he is said to be on bail.

3. As per the prosecution story, on 21.11.2022 the informant received a confidential information that four persons have procured explosive substance and have unloaded the same near Kali Mandir, Vazirganj. It is alleged that on this information, the informant reached at the given place. It is alleged that on seeing the police party 3-4 persons started to flee

away. It is further alleged that thereafter at some distance from Kali Mandir police recovered the huge quantity of explosive substances.

4. Learned senior counsel for the petitioner submits that police party had a confidential information with regard to presence of four persons near Kali Mandir with explosive substance but the source of information has not been disclosed. Learned counsel submits that there is no material to show that the petitioner was identified at the place of occurrence and the seizure has been made from the field of one Harendra Singh and Guddu Singh.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein this Court has noticed that as per the FIR police party had a confidential information with regard to presence of four persons near Kali Mandir with explosive substance, the source of information has not been disclosed and at the same time there is no material to show that the petitioner was identified at the place of occurrence, further the seizure has been made from the field of one Harendra Singh and Guddu Singh and the seizure list witnesses are the constables who were in the

raiding party, in the nature of the materials noticed above, this Court directs that in case of his arrest/surrender within a period of six weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas, Sasaram in connection with Sasaram (M) P.S. Case No. 580 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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