

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61664 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

Rahul Poddar S/O Anil Poddar R/O Mohalla- Mohaddinagar, P.S- Babarganj,
Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 01.06.2023, in connection with Mojahidpur (Babarganj) P.S. Case No. 196 of 2023, corresponding to G.R. No. 2927 of 2023, F.I.R. dated 01.06.2023 registered for the offences punishable under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 4/5 of the Explosive Substance Act.

3. Allegation against the petitioner is that he along other co-accused persons have assaulted the informant by fist and when the villagers reached there for rescuing him, then accused Praduman Mandal took out bomb and gave threat blow up from bomb and on seeing the police party, they all managed



to flee away from there.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that there is general and omnibus allegation against all the accused persons including the petitioner and nothing incriminating articles has been recovered from the possession of the petitioner and hence no case is made out under the Explosive Substance Act rather the explosive substance has been recovered near the place of occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner in the F.I.R. and apart from the aforesaid, the petitioner carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in the all the cases.



6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on 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 Court of Judicial Magistrate 1st Class, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 196 of 2023, corresponding to G.R No. 2927 of 2023, subject to the following conditions :-

(1) 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 bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 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)

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