

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62859 of 2022

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

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Mohammad Numan @ Md. Numan S/o Late Shamshad R/o Village-
Khodaibag, P.S.- Khaira, Distt- Chapra(Saran).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra

For the Opposite Party/s : Mr. Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Khaira
P.S. Case No. 286 of 2022, registered for the offences
punishable under Sections 304 of the Indian Penal Code
and Sections 3,4,5 of the Explosive Substance Act.

The prosecution case as emerges from the FIR is
that on 24.07.2022 at about 11:00 am, the informant
received a secret information that sound of crackers are
coming from near the house of one Reyazul @ Nirahua and
due to the blast, his house and cycle repairing shop have
turned into rubble. Consequently, five dead bodies were



recovered from the place of occurrence. Moreover, the owners of the recovered crackers were told to be the accused petitioner, namely, Rajeshwar Chauray, Md. Numan, Md. Ekraj, Islam alias Dada and Rustam and all these accused persons were found to be indulged in manufacturing and selling of illegal crackers without having any valid license.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the only allegation against the petitioner is that he had stored crackers in his hut. However, there is no allegation of any incident in regard to this hut and the incident involving death of 5 persons has occurred in the house of one Reyazul @ Nirahua.

He further submits that the petitioner has been languishing in jail since 08.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail



petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Chapra (Saran) in connection with Khaira P.S. Case No. 286 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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