

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66031 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- AMARPUR District- Banka

1. Sanjay Marandi, S/O Sona Marandi R/O Village- Sabeyjor, P.S- Amarpur(Fullidumar), Distt.- Banka.
2. Anil Marandi, S/O Sanjay Marandi R/O Village- Sabeyjor, P.S- Amarpur(Fullidumar), Distt.- Banka.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 22-12-2023 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The learned counsel for the petitioners submits
that petitioners are father and son. It is next submitted that
earlier their regular bail was rejected by an order dated
29.04.2023 in Cr. Misc. No.66176 of 2022. It is also
submitted that petitioners are in custody since 30.07.2022
and despite police after investigation submitting charge-
sheet, cognizance has not been taken. The learned counsel
further submits that cognizance was not taken for the reason
that sanction under the Explosive Substances Act and the



U.A.P. Act were wanting. It is next submitted that when the matter was taken up on 03.11.2023, the learned Additional P. P. was directed to file a counter-affidavit duly sworn by the District Magistrate, Banka in view of the report submitted by the learned Chief Judicial Magistrate, Banka, in compliance of the order dated 06.10.2023, wherein it was recorded that cognizance is being awaited in absence of sanction from the competent authority.

3.The learned counsel next submits that in compliance of the order dated 03.11.2023, a counter-affidavit was filed duly sworn on behalf of the District Magistrate, Banka, wherein it was recorded that on 23.11.2023, sanction has been accorded with respect to the offence relating to Explosive Substances Act and by letter no.1791 dated 27.11.2023 addressed to the Additional Chief Secretary, Department of Home, Government of Bihar, the District Magistrate had requested to take decision with regard to sanction under the U.A.P. Act, as under the Act, it is the Government, which is the authority competent for granting sanction. The learned counsel next submits that on



19.12.2023, a supplementary counter-affidavit has been filed on behalf of the Additional Chief Secretary, Department of Home, Government of Bihar in compliance of the order dated 01.12.2023 and from perusal of the pleadings made in the counter-affidavit filed on behalf of the Additional Chief Secretary, Department of Home, Government of Bihar, it would manifest that the authority has requested for two months further time.

4.The learned counsel thus submits that the sanction under U.A.P. Act may come or may not come depending on the facts and circumstances of the case, but then, what is noticeable is that petitioners are in judicial custody since 30.07.2022 and it was only after filing of this application that authorities woke up from their slumber and on 04.12.2023, the Additional Chief Secretary, Department of Home, Government of Bihar sent a letter to the D.G.P., Bihar, Patna requesting him to furnish his opinion on the issue.

5.The learned counsel further submits that it is settled principles of law that liberty of a person cannot be



curtailed except in accordance with law and this case is a glaring example of administrative inefficiency as the authorities have shown their lackadaisical approach in the matter, it is submitted that had this case not been filed perhaps the opinion of the D.G.P., Bihar would not have been sought.

6. The learned counsel further submits that petitioners are persons with clean antecedent and in the event, if their bail application is allowed, in that event, the petitioners will not abscond and will cooperate in the trial.

7. The learned Additional P. P. is not in a position to rebut the submission of the learned counsel for the petitioners, which has been made based on documents on record in the present case.

8. Considering the submission made by the learned counsel for the petitioners, the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 50,000/- (Rupees Fifty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in



connection with Amarpur (Fullidumar) P. S. Case No.415 of 2022.

9. The application stands allowed.

10. However, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners, if it comes to a conclusion that petitioners after their release are trying to delay the case in any manner.

(Satyavrat Verma, J)

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