

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65803 of 2022

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

1. MITHILESH MARANDI Son of Ram Chandra Marandi @ Ram Chandar Marandi R/v- Sabeyjor, P.S.- Amarpur (Fullidumar), District- Banka
2. MUNESHWAR MARANDI Son of Ram Chandra Marandi @ Ram Chandar Marandi R/v- Sabeyjor, P.S.- Amarpur (Fullidumar), District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Praveen Kumar, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-03-2023 Heard Mr. Krishna Prasad Singh, learned Senior counsel for the petitioners and Mr. Anuj Kumar Shrivastava, learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 3 and 4 of Explosive Substance Act and Sections 16, 18, 20, 38 of U.A.P.A. Act.

Recovery is of four pieces of Chitkabar color trousers, two ewers in which 05 kg. of Ammonium Nitrate and 5 kg. Explosive Substance used for making explosion, Neo jet emulsion explosives 625 gm and 5 pieces of detonator from a plastic sack.

Learned senior counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that the name of the petitioners have been transpired on the basis of the confessional statement of co-accused namely, Anil Marandi and except the confessional statement of co-accused Anil Marandi no other cogent material has come during investigation against these petitioners. He further submits that the petitioners were not arrested at the spot and nothing has been recovered from the conscious or the house of the petitioners and the police after investigation submitted the charge sheet against these petitioners. The petitioner is in custody since 30.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Amarpur (Fullidumar) P.S. Case No. 415 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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