

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73337 of 2022

Arising Out of PS. Case No.-10 Year-2011 Thana- PANAPUR District- Saran

Harihar Sahani Son of Late Hawaldar Sahani Resident of village - Marwa Basahiya, P.S.- Panapur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-03-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Panapur P.S. Case No. 10 of 2011 registered for the offence under Sections 307, 353, 511, 120(B) and 34 of the Indian Penal Code (for short 'I.P.C.') and under Section 03 and 04 of the Explosive Substance Act.

The accused/petitioner is named in the F.I.R. and is in custody since 22.01.2022.

The allegation against the petitioner is to deter the police personnels to discharge their official duties and also to plant bomb with an intention to cause the death of police



personnels.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and implicated falsely on the basis of suspicion and his criminal antecedents, as he found involved in 9 more criminal cases, where he is on bail. It is submitted that this case cannot be said 'attempt for murder' for the reason that no bomb, as alleged to be planted, was exploded ever and the allegation, as it appears on its face, is maximum of preparation, which not constituted any offence under Section 307 of the Indian Penal Code. It is submitted that allegation is appearing very much general and omnibus against this petitioner. It is also submitted that similarly situated co-accused person has already been granted bail by one of the learned Coordinate Bench of this Court through Cr. Misc. No. 16996 of 2014 vide order dated 15.12.2014. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation is appearing very much general and



omnibus against this petitioner, where the offence alleged appears in preparatory stage coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Panapur P.S. Case No. 10 of 2011 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-Vth, Saran/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That one of the bailors be deponent of the present bail petitioner.”

(Chandra Shekhar Jha, J)

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