

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80409 of 2023

Arising Out of PS. Case No.-359 Year-2023 Thana- BIHAR District- Nalanda

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Mohd. Joun @ Shakir Son Of Mohd. Kashim Khan Village Thawai Ps
Biharsharif Dist Nalanda. At Present C/O Late Mohd. Jhali Imam. P.S -
Biharsharif, Distt. - Nalanda

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Bihar P.S. case No. 359
of 2023 instituted for the offences under Sections 290, 336,
120(B) of the Indian Penal Code and $\frac{3}{4}$ of the Explosive
Substance Act.

3. Prosecution allegation, in short, is that the police
received information that smoke was coming out from a hut and
three people got injuries. During investigation as also seeing
visuals of CCTV footage, it was revealed that the accused
persons were keeping the illegal explosive substance for wrong
intention which exploded due to which they sustained injuries.

4. It has been submitted on behalf of the petitioner that



the petitioner is in custody since 03.06.2023 and has no criminal antecedent. The petitioner has falsely been implicated in the present case. Similar co-accused have been granted bail by a Coordinate Bench of this Court vide Annexure-2 series to this application.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the fact that similarly situated co-accused has been granted bail by a Coordinate Bench of this Court, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bihar P.S. case No. 359 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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