

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21393 of 2024

Arising Out of PS. Case No.-459 Year-2023 Thana- KHAJEKALA District- Patna

Sanjay Kumar @ Sanjay Kumar Baitha S/o Sukhari Rajak @ Sukhari Lal
Rajak R/o Khajekala Sabji Mandi, P.S. - Khajekala, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Arvind Kumar Pradhan, learned counsel
for the petitioner and Mr. Ram Naresh Ray, learned APP for the
State.

2. The petitioner is apprehending his arrest connection with Khajekala P.S. Case No. 459 of 2023, F.I.R. dated 28.10.2023 registered for the offences punishable under Sections 285/286 of the Indian Penal Code and Sections 4/5/6 of Explosive Substance Act.

3. Recovery is of 24 types of explosive substances from the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that 24 types of explosive



substances have been recovered from the house of the petitioner. He further submits that in fact nothing has been recovered from the house of the petitioner rather the police has planted the same and shown that the recovery has been made from the house of the petitioner and there is non-compliance of Section 100 of the Cr. P.C.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the petitioner having clean antecedent and there is non-compliance of Section 100 of the Cr. P.C. and the recovery has been made from the joint house of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna City, Patna in connection with Khajekala P.S. Case No. 459 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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