

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65862 of 2023

Arising Out of PS. Case No.-51 Year-2019 Thana- CHANDRAMANDI District- Jamui

Ramesh Hembram Son of Jetha Hembram R/O Vill - Dhobatiya, P.S. - Barhat,
Distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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

ORAL ORDER

7 08-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Chandramandi P.S. Case No. 51 of 2019 instituted for the offences under Sections 25(1-b)a/26 of the Arms Act and Section 120(B)/34 of the Indian Penal Code.

3. As per prosecution case, the police, on receipt of secret information, reached at the place of occurrence but, on seeing the police party, the accused persons assembled there succeeded to flee away from there. On search, the raiding-party recovered 10-15 Kg. explosive substance including some other articles used in the country made rifle as also bomb and seizure list was prepared.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case on the basis of mere suspicion. The petitioner was not arrested at the spot. There is no compliance of Section 100 of the Cr.P.C. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is languishing in judicial custody since 12.10.2022 and the charge-sheet after investigation has been submitted in this case and the charge has also been framed. The petitioner has filed supplementary affidavit bringing on record that the petitioner has altogether fifteen criminal antecedents.

5. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is the named in the F.I.R. and has criminal antecedents of similar nature of offences. Learned APP has further submitted that the police has recovered altogether 10-15 Kg. explosive substance from the place of occurrence which was hidden under the ground. The allegation made against the petitioner is serious in nature and, thus, the petitioner does not deserve bail.

6. Pursuant to the order passed by a Co-ordinate



Bench of this Court, the learned trial Court has sent its report dated 21st February, 2024 stating therein that there are 09 charge-sheet witnesses and uptill now, not a single prosecution witness has turned up for his examination.

7. Considering the entire facts and circumstances of the case and taking into account the seriousness of the offence as also the petitioner having criminal antecedents of similar nature of offences and keeping in view the report sent by the court below, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the prayer for bail of the petitioner is rejected with a direction to the court below to conclude the trial expeditiously preferably within a period of nine months from the date of receipt/production of a copy of this order.

9. If the trial is not conclude within the aforesaid period of nine months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be considered on its own merit without being prejudiced by this order.

10. The District Magistrate, Jamui and the Superintendent of Police, Jamui are also directed to ensure presence of the charge-sheet witnesses as and when required by



the Trial Court.

11. Let a copy of this order be sent to the District Magistrate, Jamui and the Superintendent of Police, Jamui for strict compliance of this order.

(Rudra Prakash Mishra, J)

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