

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5030 of 2023

Arising Out of PS. Case No.-229 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

SHAHBAZ KHAN son of Md. Nesar Village- Ps- Obra Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Raja Kumar son Balchand Paswan Village- Pathra Ps- Magadh University Bodh Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailesh Kumar Singh
For the Respondent/s	:	Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-01-2024 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 4.10.2023 passed by learned Exclusive Spl. Judge SC/ST Gaya in BP No. 762/2023 whereby the prayer for bail of the appellant in connection with Magadh University P.S. Case No. 229 of 2022 under Sections 307, 120(b) of the Indian Penal Code, Section 3/4 of Explosive Substance Act and sections 3/4 of SC/ST Act was rejected.

3. As per prosecution story, informant's father in black magician, who provide remedy to local people by 'jhar-phook' at his house. One of the customers has left his bag inside the house of the informant in which one home theater was kept.



Informant found that battery was low of home-theater and for charging, he connected the pluck in electric socket but the same was exploded inside his house as a result of which informant and his brother sustained injuries.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has not committed any offence. FIR is against unknown. The alleged bag in which explosive material was kept, not belongs to the the appellant. He is stranger to the informant and his family members. Save and except his self confessional, made before the police under coercion, nothing has come against the appellant to show his complicity in the present case. No offence is made out under the provisions of the SC/ST Act against them. Appellant is languishing in judicial custody since 30.4.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 4.10.2023 passed in B.P. No. 762 of 2023 is hereby set aside.



7. The appellant is directed to be enlarged on bail in connection with Magadh University PS Case No. 229 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Spl. Judge SC/ST, Gaya.

(Sunil Kumar Panwar, J)

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