

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84358 of 2023

Arising Out of PS. Case No.-23 Year-2017 Thana- ADAPUR District- East Champaran

Gajendra Sharma @ Gajendra Thakur Son Of Haridaya Narayan Sharma R/O
Village- Bakhari, P.S.- Adapur, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Section 3/4 of the Explosive Substance Act, Sections 18, 18(B), 20 and 38 of U.A.P.A. Act and Section 150 of Railway Act.

3. As per allegation in the FIR, on receiving secret information that the miscreants assembled at Janta Chowk to commit some heinous offence, the informant along with police party reached at the place of occurrence and apprehended two miscreants Suraj Kumar and Dipu Kumar who disclosed the name of the petitioner and other accused persons as of their associates. They further disclosed that their associates had blew the railway track by bomb but due to delay in connecting the



wires the blast could not taken in time and the train passed away.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his conscious possession. His name has been transpired in this case on the basis of confessional statement of apprehended co-accused namely, Suraj Kumar which has no evidentiary value in the eye of law. Save and except confessional statement of co-accused and petitioner, there is any evidence or material to show his complicity in the alleged occurrence. Petitioner is languishing in judicial custody since 03.04.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed.** The above named petitioner is directed to be enlarged on bail 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
Judicial Magistrate 1st Class, Raxaul at Motihari, East
Champaran in connection with Adapur P.S. Case No. 23 of
2017.

(Sunil Kumar Panwar, J)

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