

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84831 of 2023

Arising Out of PS. Case No.-301 Year-2023 Thana- BRAHMPUR District- Buxar

1. Nabab Husasain @ Navab Husain, S/o Muslim Ansari, R/o Village - Brahampur, Ward No. 7, P.S.- Brahampur, District- Buxar.
2. Azad Ansari @ Azad Husain, S/o Muslim Ansari, R/o Village - Brahampur, Ward No. 7, P.S.- Brahampur, District- Buxar.
3. Sahzad Ansari, S/o Muslim Ansari, R/o Village - Brahampur, Ward No. 7, P.S.- Brahampur, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 22-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with Brahampur P.S. Case No. 301 of 2023 for the offence registered under Sections 286/34 of the I.P.C. and Section 5 of the Explosive Substances Act.

3. As per prosecution case, the petitioners are involved in manufacturing country made bomb and in the process of manufacturing the bomb some of them exploded due to which the occurrence took place. On search, recovery of a plastic bag, black coloured powder of about 9 kg, a plastic bag



about 24.500 kg of white coloured powder and some sutali bomb was made.

4. Learned counsel for the petitioners submits that the petitioner is innocent and has been falsely implicated in the present case. He further submits that the petitioner Nawab Hussain was the license holder of making crackers and some of the crackers were recovered in his house. No incriminating articles have been recovered from the conscious possession of the petitioners and the alleged recovered articles are recovered from joint house property. It is further submitted that similarly situated co-accused Muslim Ansari has already been granted regular bail by a coordinate Bench of this Court vide order dated 21.07.2023 passed in Cr. Misc. No. 44338 of 2023. Petitioners are in jail custody since 02.11.2023. Petitioners have no criminal antecedent.

5. Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioners.

6. Considering the submissions on behalf of the parties and the facts and circumstances of the case, let the petitioners, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



learned concerned court below in Brahampur P.S. Case No. 301
of 2023.

(Sunil Dutta Mishra, J)

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