

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22724 of 2016

Arising out of PS.Case No. -21 Year- 2014 Thana -TANDWA District- AURANGABAD

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Krishna Yadav @ Kaushal Jee, Son of Tulsi Yadav, resident of village -
Dewaria, Police Station - Barachati, District - Gaya (Bihar)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kamendra Pd. Singh, Advocate.

For the Opposite Party : Mr. Suneil Kumar Thakur

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 02-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 19.01.2016
in connection with Tandwa P.S. Case No. 21 of 2014 for the
offences instituted under Sections 147, 148, 149, 427, 436, 380,
302 of the IPC, 27 of the Arms Act and 17 of C.L. A. Act.

The prosecution story, in brief, is that the informant is a
owner of cloth shop which deals with clothes, shoes and mobiles.
On 17.08.2014 at about 7.00 P.M., 50-60 extremists came on his
shop than he came outside of the shop, thereafter the *Naxals*
abused his father and taken Rs. 10,000/- from the shop. He further
stated that all the *Naxals* were armed, they also set his shop in fire,
thereafter they taken his father Kalam Ansari towards Suryapura
More and there shot him dead. He further stated that all the *Naxals*

had covered their faces by cloth and were in dress. The informant does not know the name and address of the *Naxals* but he can identify them when he will see them again. They also threatened him for not giving any information. Nearby the dead body of his father two empty cartridges were also recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.01.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses against the petitioner. He is not named in the F.I.R. His name has transpired in course of investigation. There is no eye witness to the alleged occurrence. Except for suspicion there is no other material to suggest his implication in the present case.

On behalf of the State it has been submitted that the petitioner's name has come in course of investigation.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad, in connection with Tandwa P.S. Case No. 21 of 2014.

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(Sudhir Singh, J)