

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49298 of 2015

Arising Out of PS.Case No. -11 Year- 1998 Thana -GURUA District- GAYA

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1. Mohan Yadav son of Yadun yadav Resident of Village-Baniya P.S Gurua District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik

For the Opposite Party/s : Mr. Surendra Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 25-02-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 302, 147, 148, 149, 341, 427, 452 and 326 of the I.P.C, section 27 of the Arms Act, section 3/4 of the Explosive Substance Act and section 17 of the C.L.A. Act.

Allegedly, a mob of 200-250 extremists surrounded the house of the informant, set the house on fire, opened fire; exploded bomb and killed brother and nephew of the informant, out of them 36 named accused persons were identified.

Submission is of false implication and that it is not possible to identify the culprits in such a situation, there is no specific allegation against the petitioner, the petitioner was never

indulged in such activities, he has got no criminal antecedent, other co-accused who were also named in the FIR have been allowed bail by different Benches of this Court and as the petitioner was not aware regarding this case and he was living outside and as such earlier he has not surrendered and now he is in custody since 16.07.2015, to which the learned A.P.P. opposes by submitting that the petitioner remained absconder.

In the facts and circumstances as stated above, considering that other co-accused have been allowed bail and as such the petitioner is directed to 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 Additional Sessions Judge, 1st Gaya in Gurua P.S. Case No. 11 of 1998, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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