

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8155 of 2016

Arising Out of PS.Case No. -11 Year- 2015 Thana -DUMARIA District- GAYA

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Dinesh Yadav Son of Keshar Yadav, resident of village- Bagpur, Police Station - Dumariya, District Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Syed Mojibur Rahman, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Dumaria P.S. Case No. 11 of 2015 registered for the offences punishable under Sections 147, 148, 149, 332, 333, 307, 353 and 120B of the Indian Penal Code, Section 27 of Arms Act and Section 17 of C.L.A. Act.

The prosecution case as per the First Information Report is that in the morning of 23.02.2015, the informant received information that member of certain group have assembled in the leadership of Sandeep Jee and others. He along with the Police party proceeded towards that direction. It is further stated that on seeing the Police party, the accused persons started

firing which was also replied from the informant's side. All the accused persons fled away and they were in 100-125 in number.

It has been submitted by learned counsel for the petitioner that the petitioner is innocent and not member of the CPI Maowadi group. It has further been submitted that no specific allegation has been attributed against the petitioner and just on the basis of suspicion, because he was near the place of occurrence, the petitioner has been named in the First Information Report and he has been made an accused. It has further been contended that there was a group of 100-125 Maoists and some other have been named in the First Information Report. However, learned A.P.P. for the State opposes the prayer for bail.

Be that as it may, let the petitioner, above named, in the event of his arrest or surrender within a period of eight weeks from today before the Court below be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sherghati (Gaya) in connection with Dumaria P.S. Case No. 11 of 2015 (G.R. No. 230 of 2015), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

However, since the petitioner is an accused in another

case bearing Dumaria P.S. Case No. 12 of 2015 if the petitioner indulges in a case of similar nature in future, the learned court below will be at liberty to cancel the bail bonds of the petitioner without being prejudiced with this order. The petitioner should also file an affidavit stating therein that he is ready to appear before the Investigating Officer or before the court below on each date and failure on two consecutive dates will be liable for cancellation of bail bonds of the petitioner.

(Nilu Agrawal, J)

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