

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21747 of 2016

Arising Out of PS.Case No. -120 Year- 2009 Thana -DEO District- AURANGABAD

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1. Bali Yadav Son of Ram Khelawan Yadav Resident of village - Kewlaha
Police Station - Dhibra, District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Mr. Yogendra Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 22-07-2016 Heard both sides.

The petitioner apprehends his arrest in Deo P.S. case No. 120 of 2009 under Section 144, 427 of the Indian Penal Code, section 3 of Explosive Substance Act, section 3 of the Damage of Public Property Act and under section 17 of C.L.A. Act.

The allegation is that petitioner being an active member of Maoist gang caused damage to public properties by exploding bombs.

It is submitted that petitioner is named in the FIR at serial No. 27 but no specific allegation is made against the petitioner. Similarly situated accused Pintu Rai and Guddu Sao have already been granted anticipatory bail but it appears that Pintu Rai moved this court in the year 2011 and the petitioner

moved this court after seven years of the occurrence.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., the learned Additional Sessions Judge-II, Aurangabad in Deo P.S. case No. 120 of 2009, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated accused has already been granted anticipatory bail and dispose of the bail petition, preferably, on the same day.

(Prabhat Kumar Jha, J)

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