

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53367 of 2016

Arising Out of PS.Case No. -202 Year- 2016 Thana -RAJAULI District- NAWADA

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Jitendra Yadav son of Late Jagnarayan Yadav resident of village - Kamal Bigha, Police Station - Konch, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-12-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 19.09.2016 in connection with Rajauli P.S. Case No. 202 of 2016 registered for the offence punishable under Sections 124(A)/34 of the Indian Penal Code and Sections 16, 18 and 20 of the U.A.P. Act.

The prosecution case, as lodged by the police personnel, is that near Phulwariya Dam a black flag of Naxal Maowadi with poster was put up protesting against 15th August, the Independency Day. Accordingly, seizure-list was prepared. On query from the nearby people, names of seven persons were disclosed.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and while going to meet his ailing sister, he was



apprehended and confessional statement was taken. It has further been submitted that he has no concern with the naxal group and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner has criminal antecedent as one more case of the Arms Act is pending against him, hence, opposes the prayer for bail.

Be that as it may, since charge-sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No. 202 of 2016, subject to the condition that one of the bailors must be a close relative and other bailor must have sufficient immovable properties within the jurisdiction of the concerned police station/ Court and that petitioner shall appear before the learned Court below as and when required during trial, failing which his bail bonds shall be liable to be cancelled.

(Nilu Agrawal, J.)

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