

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11946 of 2016

Arising Out of PS.Case No. -9 Year- 2015 Thana -MADANPURA 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/s

Versus

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. Rita Verma(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 03-05-2016

Heard the learned counsel for the petitioner and the

learned A.P.P representing the State.

The petitioner seeks bail in connection with
Madanpur P.S. Case No. 09 of 2015 registered for the offences
punishable under Sections 147, 148, 149, 341, 307, 124(A) of the
Indian Penal Code and Section 17 of the C.L.A. Act.

Allegedly, acting on the tip off that in the leadership
of the petitioner and co-accused Sandeep Ji, 75 to 100 extremists
have assembled to commit crime and then the informant and other
police personnel arrived and went there and then there was firing
and cross-firing, but the miscreants taking advantage of darkness
fled away and on the next day some empty cartridges were seized
and blood stain was also found on the place of occurrence.

Submission is of false implication and that the

petitioner has been named by the informant on the basis of confidential information, the informant had not claimed to identify the petitioner, there is no legal and tangible material against him, only on the basis of criminal antecedent, the petitioner has been implicated in this case resulting he is suffering in custody since 30.11.2015.

The learned A.P.P. opposes the prayer of bail by submitting that witnesses vide Para 39 and 40 have stated the name of the petitioner also regarding the involvement of the petitioner and further the petitioner is involved in more cases.

In the facts and circumstances stated above considering that the name of the petitioner has been given in the F.I.R and two witnesses have also stated his name and, as such, at this stage, I am not inclined to enlarge the petitioner on bail and accordingly his prayer stands rejected in connection with Madanpur P.S. Case No. 09 of 2015 pending in the Court of learned Chief Judicial Magistrate, Aurangabad.

However, the petitioner may renew his prayer for bail after remaining in custody for further 4 months.

(Jitendra Mohan Sharma, J)

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