

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24445 of 2016

Arising Out of PS.Case No. -50 Year- 2014 Thana -RAFIGANJ District- AURANGABAD

Subhash Yadav, S/o Late Sitaram Yadav, R/o Village- Kaji Bigha, P.S. Goh, District- Aurangabad (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Lal Bahadur Singh, Advocate.

For the Opposite Party : Mr. Raj Ballabh Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 27-09-2016

Heard learned counsel for the petitioner and learned

counsel for the State.

The petitioner is languishing in custody since 29.01.2016 in connection with Rafiganj P.S. Case No. 50 of 2014 for the offences instituted under Sections 307 of the IPC, 4/5 of the Explosive Substances Act, 150/152 of the Indian Railways Act and 17 of C.L.A. Act.

The prosecution story, in brief, is that while on 26.03.2014, the informant with other police personnels was maintaining law and order on the call of 'Bihar Bandh' declared by extremist outfit, near Jakhim, he received an intelligence input that a squad on 20-25 extremists with arms and explosives under the leadership of Lalaji @ Baba Ji @ Chaneshwar Rajak, consisting of Kail Prajapati, Ram Pravesh Yadav, Gore Lal Yadav, Sunil Khatri, Sanni, Bihari Rawani, Subhash Yadav, Sanoj Sao,

Kamlesh Yadav and others was seen moving towards Deo Halt with a view to blow up the Railway Track and cause danger to life and Railway property. The informant reached there where he found a wire leading to Railway track. There was a ditch also. The police tried its level best to apprehend them but they succeeded in fleeing away in the darkness. From the place of occurrence, wire, detonators etc., were seized.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.01.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. Altogether 10 persons have been named in the FIR. No specific allegation has been made against the petitioner. He has remained in custody for more than nine months.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 learned C.J.M., Aurangabad (Bihar) in connection with Rafiganj P.S. Case No. 50/2014.

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(Sudhir Singh, J)