

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45229 of 2016

Arising Out of PS.Case No. -29 Year- 2014 Thana -KOTHI District- GAYA

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Udani Yadav @ Sheo Nandan Yadav S/o Bhajan Yadav Resident of
Village- Manjhauli, P.S.-Kothi District-Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 16-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
08.10.2015 in connection with Kothi P.S. Case No. 29 of 2014
registered for the offence punishable under Sections 147, 148,
149, 435, 353 and 427 of the Indian Penal Code and Section 17 of
the Criminal Law Amendment Act.

The prosecution case is that on 23.05.2014, while the
informant was getting the road between Kishunchak and Ragra
Asthan constructed and he parked his JCB machine at Banga
Dohar for the purpose of safety, 8-10 nexalites came and set the
said JCB machine on fire.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the First Information Report and has been falsely implicated in the aforesaid case only because he had a past criminal antecedent. It is further submitted 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 petitioner has criminal antecedent and is involved in two more cases of similar nature, 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 Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Kothi P.S. Case No. 29 of 2014, subject to the condition that one of the bailors would be close relative and other bailor would be a person, who has sufficient immovable properties within the jurisdiction of concerned police station.

This direction for bail is further subject to the condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence



and shall appear in the learned Court below, as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J)

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