

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25951 of 2016

Arising out of PS.Case No. -12 Year- 2015 Thana -DUMARIA District- GAYA

Arjun Yadav, son of Late Pachan Yadav, resident of Village- Ram Dohar,
P.S.- Dumaria, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ashhar Mustafa, Advocate.

For the Opposite Party : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 30-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 17.03.2016
in connection with Dumaria P.S. Case No. 12 of 2015 for the
offences instituted under Sections 147,148, 149, 212, 216, 323,
324, 325, 326, 307, 353, 302, 332, 333, 435, 120(B), 379 of the
IPC, 27 of the Arms Act, 3,4,5 of Explosive Substance Act, 17 of
C.L.A. Act and 10,11, 13(i), 13(ii) of Unlawful Activities
(Prevention) Act.

The prosecution story, in brief, is that on 23.02.2015, the
Constables of Cobra Battalion, C.R.P.F., proceeded for patrolling
when they had an encounter with the armed 25 named and about
90-100 unknown Naxalites though there had been no causality. It



is further alleged that on 24.02.2015 at about 9.00 P.M. when the patrolling party moved forward when they saw twenty six persons including the petitioner, hence suspected to be associates of armed Naxalites and being deployed for keeping an eye on the movement of patrolling party and were providing information to the Naxalites. Subsequently, Naxalites blasted the bus of the patrolling party leading to death of two police personnels.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.03.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. The petitioner has got no criminal antecedent. The petitioner is 65 years old. He has been made accused in the present case on suspicion. There is no substantive piece of evidence to show the involvement of this petitioner in the present case. The other co-accused has been granted anticipatory bail by another co-ordinate Bench of this Court vide Annexure-2 to the present application.

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., Gaya, in
connection with Dumaria P.S. Case No. 12 of 2015.

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(Sudhir Singh, J)

