

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16813 of 2016

Arising Out of PS.Case No. -62 Year- 2012 Thana -DUMARIA District- GAYA

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Lav Kush Yadav Son of Sita Ram Yadav, Resident of Village - Kauwal,
P.S. - Naudiha, District - Palamu.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Nikhil, Advocate.

For the Opposite Party/s : Mr. S.N Shukla, APP.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-06-2016

Heard the learned counsel for the petitioner as well
as the learned A.P.P for the State.

The petitioner seeks bail in connection with
Dumaria P.S. Case No. 62 of 2012 registered for the offences
punishable under Sections 147, 148, 149, 341, 332, 323, 324,
302, 307, 435, 352, 353, 333 and 120B of the Indian Penal Code,
Section 27 of the Arms Act, Sections 3, 4 and 5 of the Explosive
Substance Act, Sections 10, 11, 13(i) and 13(ii) of the Unlawful
Activities Prevention Act and Section 17 of the C.L.A Act.

Allegedly, there was firing and cross-firing between
the extremists and police party wherein six persons from the
armed force lost their lives and the petitioner is also named in the
first information report on the basis of addressing each other
during the occurrence.

Submission is of false implication and that though

the petitioner is named in the first information report but there is no specific allegation and only on suspicion he has been named. He is suffering in custody since 10.12.2015. Similarly situated co-accused Indradeo Yadav, Ganesh Yadav, Deepak Kumar, Nagina Yadav and others have been allowed bail by different benches of this Court and, as such, the petitioner also deserves sympathetic consideration to which the learned APP submits that the petitioner has got criminal antecedent and also he is involved in one more case.

In the facts and circumstances stated above, the petitioner, above named, is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sherghatty in connection with Dumaria P.S. Case No. 62 of 2012, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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