

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.45108 of 2016**

Arising Out of PS.Case No. -95 Year- 2016 Thana -JAHANABAD District- JEHANABAD

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1. Samundar Yadav So of Late Kameshwar Yadav Resident of Village-  
Galakpur, P.S.- Pali, District- Jehanabad.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

4      21-12-2016                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since  
27.07.2016 in connection with Jehanabad (Karauna O.P.) P.S.Case  
No. 95 of 2016 registered for the offence punishable under  
Sections 435, 427, 385/ 34 of the Indian Penal Code and 16, 18,  
20, 21, 22 U.A.P. Act.

The prosecution case as lodged by the Manager of  
G.I.I.S Pvt. Ltd. engaged in excavation work, while excavation  
work was being done, some 14 to 15 unknown persons came there  
with deadly weapon and set the Excavator on fire and raised  
slogans “ Maowadi Jindabad” .

It has been submitted by the learned counsel for he



petitioner that he is innocent and not named in the F.I.R. and falsely been implicated in the aforesaid case just because he has a criminal antecedent. It is further submitted that only on the basis of confessional statement of co-accused, Gajendra Yadav, the name of the petitioner surfaced, which has no evidentiary value in the eye of law. It has further been submitted that charge sheet has been submitted and there is no chance of tampering with the prosecution evidence.

Learned counsel for the State on the other hand submits that the petitioner is a member of Nexal Group and as many as seven cases are pending against him, having more or less similar nature, hence, opposes the prayer for bail.

Considering the facts and circumstances and submissions of the parties and that 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 Chief Judicial Magistrate, Jehanabad in connection with Jehanabad (Karauna O.P.) P.S.Case No. 95 of 2016 with a condition that one of the bailors would be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station and



the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bond.

**(Nilu Agrawal, J)**

Sudha/-

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