

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30827 of 2017

Arising Out of PS.Case No. -207 Year- 2016 Thana -JHAJHA District- JAMUI

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Dhaneshwar Yadav @ Dhaneshwar Kumar, son of Ragho Yadav, resident of Village- Rajala, P.S. Jhajha, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Mishra

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 28.09.2016 in connection with Jhajha P.S. Case No. 207 of 2016 and G.R. No. 1817 of 2016 for offences punishable under Sections 121 and 121 (A) of the I.P.C. and under Section 3/4 of the Explosive Substance Act and under Sections 16, 17, 18, 19, 20, 21 and 22 of the U.A.P. Act.

The prosecution case, as lodged by the police personnel, is that information that a Naxalite commander has been injured on a motorcycle accident and is undergoing treatment in a clinic, the police raided the place and apprehended the petitioner and on his confessional statement number of incriminating articles



including explosives were recovered from unnumbered motorcycle.

It has been submitted by the learned counsel for the petitioner that he is innocent, has been falsely implicated in the aforesaid case and nothing has been recovered from his conscious possession and that he has only one criminal antecedent which is Jhajha P.S. Case No. 75 of 2013 in which final form has been submitted except that he has no criminal history. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that number of incriminating articles and explosives have been recovered from the motorcycle.

Considering the facts and circumstances and the materials on record as well as the period of custody, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, in connection with Jhajha P.S. Case No. 207 of 2016 and G.R. No. 1817 of 2016, subject to the condition that one of the bailors would be a close relative of the



petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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