

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25654 of 2017

Arising Out of PS.Case No. -33 Year- 2016 Thana -DEO District- AURANGABAD

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Govind Yadav @ Abhay Yadav, S/o Kuldeep Yadav, R/o Village
Banmanjhauli, P.S. Dhibra, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 09-08-2017 Heard both sides.

The petitioner seeks bail in Deo P.S. Case No. 33/2016, registered for the offences punishable under Section 302 and other sections of the Indian Penal Code, sections 25, 26, 27 of the Arms Act, sections 3, 4, 5 of the Explosive Substance Act, section 17 of the C.L.A. Act and sections 16(1)a, 16(1)b, 38 , 39 of the UPA Act.

The informant S.I. Deo P.S. alleged that he got information from the senior police officials about the assemblance of Naxalites in the hill area of Gonjay forest. While the police force proceeded towards Gonjay hill Naxalites opened fire. The police personnel also resorted to firing. The informant alleged that he identified some of the Naxalites including the petitioner whose



names are mentioned in the F.I.R. It is further alleged that when the police officials resorted to firing the Naxalites fled away. At about 12.50 P.M. search operation was undertaken and during the search operation one land mine was exploded in which one constable got fatal injury and three police personnel also got injury. The constable who got fatal injury died during the course of treatment.

Learned counsel for the petitioner submits that the informant is a police personnel and he did not disclose the source of identification. The petitioner is not at all known to the police officials and name of the petitioner figured on mere suspicion. First occurrence of firing took place at 5.50 a.m., but no police personnel got fire-arm injuries in the firing and cross-firing. According to the informant himself the search operation was taken up at 12.50 p.m. that is only after six hours from the time of firing made by the Naxalites. During the search operation one land mine exploded. There is nothing on record to show that who laid the land mine in the hilly area. Even during the course of investigation nobody has seen the petitioner fleeing from the hill.

On the other hand, learned A.P.P. vehemently opposed the prayer for bail and submitted that the informant identified the petitioner and twenty four other Naxalites. During the course of



investigation villagers also disclosed name of the petitioner.

On perusal of the records it appears that of course, the S.I. Deo P.S. disclosed the name of the petitioner and twenty four others and informant identified the petitioner and others, but he did not disclose anywhere in the entire F.I.R. that how he acquainted with the petitioner and others. First occurrence took place at 5.50 a.m. when the firing was opened by the Naxalites as well as cross-firing was made by the police personnel, but nobody was injured in that firing and it is alleged that thereafter the Naxalites fled away from the hilly area. Thereafter, search operation was taken up at 12.50 p.m. that is only after six hours from the time of firing made by the Naxalites. During the search operation one land mine exploded in which one constable died and three persons got injured. Similarly situated co-accused namely, Heeraman Yadav whose name also appeared in the F.I.R. has already been granted bail vide order passed in Cr. Misc. 22266/2017. Other co-accused persons have also been granted bail vide order passed in Cr. Misc. 48163/2016 and Cr. Misc. 45678/2016.

Considering the facts aforesaid, the petitioner above-named, is directed to 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 Chief Judicial Magistrate,
Aurangabad in connection with Deo P.S. Case No. 33/2016.

(Prabhat Kumar Jha, J.)

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