

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24929 of 2017**

Arising Out of PS.Case No. -131 Year- 2009 Thana -BARACHATTI District- GAYA

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Chhotu Yadav @ Nand Kishore Yadav, son of Chand Yadav @ Chando  
Yadav, resident of Village- Garwaiya, P.S. Barachatti, Dist.- Gaya.

.... .... Petitioner/s

Versus

The State of Bihar.

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

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**Appearance :**

For the Petitioner/s : Mr. S. Jamil Akhtar, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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

4      24-07-2017                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since  
16.02.2017 in connection with Barachatti P.S. Case No. 131 of  
2009 registered for the offence punishable under Section 302 and  
other allied sections of the Indian Penal Code, Section 27 of the  
Arms Act and Section 17 of the Criminal Law Amendment Act.

The prosecution case, as lodged by the son of the  
deceased, is that he works as khalasi and his father was driver of  
the said truck and the Maoists had called 'Jharkhand Band' and  
30-40 Maoists tried to stop his father's truck, which was not  
understood by his father, hence, Maoists resorted to firing which



hit his father resulting in his death.

It has been submitted by the learned counsel for the petitioner that there is a general and omnibus allegation and he is not named in the First Information Report and just because he has previous criminal history, he has been implicated in the aforesaid case and that he has been remanded in the present case after a gap of seven years. It has further been submitted that some of the co-accused whose name surfaced during investigation, have since been granted the privilege of bail by coordinate Benches of this Court, one of them being Cr. Misc. No. 3470 of 2012 on 25.01.2012. He submits that nothing incriminating has been recovered from his possession and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 Additional Chief Judicial Magistrate, Sherghati,



Gaya in connection with Barachatti P.S. Case No. 131 of 2009, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

**(Nilu Agrawal, J.)**

Arjun/-

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