

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35515 of 2017

Arising Out of PS. Case No.-70 Year-2017 Thana- AMAS District- Gaya

=====

Brahmdeo Yadav @ Bramdeo Yadav Son of Bhagwan Yadav, resident of village- Lutua. P.S. Lutua, Dist. - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-09-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 30.03.2017 in connection with Amas P.S. Case No. 70 of 2017 registered for the offence punishable under Sections 3/ 4 of the Explosive Substances Act and Section 17 of the C.L.A. Act.

The prosecution case, as lodged by the police personnel, is that on information that one miscreant, who is active member of the naxalite organization, is standing near Jhari more, the police apprehended the petitioner and from his possession 20 pieces of detonator, 10 pieces of explosive power gel 901 and 30 meter blue and red wire along with mobile phone were recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and has been falsely implicated due to highhandedness of the police and on his own confessional statement before the police, which has no evidentiary value in the eye of law and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the explosives and detonators have been found in the possession of the petitioner.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail after completion of nine months in custody on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of Sri Gorakhnath Dubey, learned Judicial Magistrate 1st Class, Sherghati, District Gaya in connection with Amas P.S. Case No. 70 of 2017, subject to the condition that both the bailors would be close relative of the petitioner.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

