

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54453 of 2017

Arising Out of PS.Case No. -327 Year- 2017 Thana -BANKA District- BANKA

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1. Om Prakash Yadav, Son of Chandrika Yadav, resident of Village Tetariya, P.S. Banka, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Banka P.S.
Case No. 327/17 for offences punishable under Section 307 and
other allied Sections of the Indian Penal Code and Section 3 of
the Explosive Substance Act.

The prosecution case, as lodged by the informant, who
is Munshi of Prince Construction Company and engaged in bridge
construction, is that on the date of occurrence 10-12 miscreants
variously armed with musket, pistol, knife and bomb came and
assaulted the informant and the workers and also exploded bombs.
Their mobiles and cash were also looted away by those
miscreants.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, not named in the First Information Report and his name surfaced on the confessional statement of co-accused Bhavesh Yadav @ Bhavesh Kr. Yadav, from whom two mobiles and SIMs were recovered, who has already been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 43364 of 2017 on 09.10.2017. He further submits that petitioner is languishing in judicial custody since 16.08.2017, 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.

Considering the facts and circumstances and the materials on record, 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, Banka, in connection with Banka P.S. Case No. 327/17, subject to the following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.



- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Nilu Agrawal, J)

Rajesh/-

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