

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18456 of 2017

Arising Out of PS.Case No. -12 Year- 2015 Thana -DUMARIA District- GAYA

=====

Binod Yadav @ Nagendar Yadav, Son of Bhola Yadav, Resident of
Village- Barha, P.S.- Dumariya, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

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

For the Opposite Party : Mr. Manish Kumar 2 (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 28-06-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with
Dumariya P.S. Case No. 12 of 2015, registered for the offences
punishable under Sections 147, 148, 149, 212, 216, 323, 324, 325,
326, 307, 353, 302, 332, 333, 435, 120(B), 379 of the Indian Penal
Code, Section 27 Arms Act, 3, 4, 5 Explosive Substance Act,
Section 17 C.L.A. Act and Sections 10, 11, 13(i), 13(ii) Unlawful
Activities (Prevention) Act.

Allegedly, the constables of Cobra Battalion,
C.R.P.F., proceeded for patrolling when they had an encounter
with the armed 25 named and about 90-100 unknown Naxalites
though there had been no causality. It is further alleged that on



24.02.2015 at about 9 P.M. when the patrolling party moved forward when they saw 26 persons including the petitioner, hence suspected to be associates of armed Naxalites and being deployed for keeping an eye on the movement of patrolling party and were providing information to the Naxalites. Subsequently, Naxalites blasted the bus of the patrolling party leading to death of two police personnels.

Submission is of false implication and that the petitioner is being implicated in one case after another by the police, he is in custody since 22.07.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, besides suspicion there is no material against the petitioner, there is no specific allegation against him. Other co-accused has been granted anticipatory bail as well as regular bail in this case and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. submits that the petitioner is named in the F.I.R.

In the facts and circumstances as stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sherghati,



District- Gaya, in connection with Dumariya P.S. Case No. 12 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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

