

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27554 of 2017

Arising Out of PS.Case No. -27 Year- 2012 Thana -DHIBRA District- AURANGABAD

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1. Abhay Yadav S/o Kuldeep Yadav, Resident of Village- Banmanjhauri,
P.S. Dhibra, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 01-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 05.11.2016 in connection with Dhibra P.S. Case No. 27 of 2012 for offences punishable under Sections 147, 148, 149, 307, 332, 333, 353 and 427 of the Indian Penal Code and Section 27 of the Arms Act and Section 17 of CLA Act.

The prosecution case, as lodged by the S.H.O. of the Police Station, namely, Indrajeet Kumar is that on 15.11.12 while he and other police personnel, were returning from patrolling duty and as they reached near Banua More, 50-60 accused persons exploded a bomb by which front portion of the jeep got damaged



and thereafter, they resorted to firing. All accused persons were dressed in black uniform and armed with deadly weapons. As a result of counter firing in self defense, number of police personnel were seriously injured.

It has been submitted by the learned counsel for the petitioner that he is innocent and not named in the First Information Report and just because he has a past criminal antecedent, he has been dragged in the aforesaid offence. He submits that his name surfaced on the confessional statement of one co-accused, namely, Amrendra Kumar Yadav who was arrested after 19 months of the alleged occurrence. No incriminating article has been recovered from his possession. He further submits that Amrendra Kumar Yadav has already been granted privilege of bail by a co-ordinate Bench of this Court in Criminal Miscellaneous No 44696 of 2014 on 10.12.2014. It has further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a veteran criminal and a habitual offender.



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 Assistant Session's Judge, 1st Aurangabad, in connection with S.T. No. 06 of 2014 arising out of Dhibra P.S. Case No. 27 of 2012, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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