

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31771 of 2017

Arising Out of PS.Case No. -10 Year- 2014 Thana -DHIBRA District- AURANGABAD

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Abhay Yadav @ Govind Yadav, S/o Kuldeep Yadav, R/o Village Ban
Manjhauli, P.S. Dhibra, District- Aurangabad.

.... Petitioner/s

Versus

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 Nityanand Tiwary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 23-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.02.2017 in connection with Sessions Trial No. 102 of
2017/15 of 2017 arising out of Dhibra P.S. Case No. 10 of 2014
for offences punishable under Sections 147, 148, 149, 307, 302,
120B, 353, 124A of the Indian Penal Code, ¾ Explosive
Substance Act and 17 CLA Act.

The prosecution case, as lodged by the police
personnel, is that on secret information that bomb has been
planted on the Kachi road for obstructing of parliamentary
election, the police went there and defused the bomb. At the



same time they received information that a bomb has exploded in another place in which a number of police personnel have been injured and three succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent and there is no eye witness to the alleged occurrence and that just because the petitioner has a criminal antecedent, he has been made accused. He submits that charges have been framed and the matter is pending for trial although none of the witnesses have been examined so far.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is an accused in 14 other cases some of similar nature and some of more serious nature and the bomb planted in another area resulted in the death of three police personnel.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of one year in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Aurangabad in connection with Sessions Trial No. 102 of 2017/15 of 2017 arising out of Dhibra P.S. Case No. 10



of 2014, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) 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.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.
- (4) The petitioner will also appear before the concerned police station and mark his attendance in the first week of every month till one year, failing which, his bail bonds will be cancelled.

(Nilu Agrawal, J)

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