

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3503 of 2017

Arising Out of PS.Case No. -11 Year- 2015 Thana -DHIBRA District- AURANGABAD

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Heeraman Yadav, S/o Balesar Yadav, R/o Village- Barha, P.s.-
Chakarbanda Dumaria, District- Gaya. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Smt. Asha Devi

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 27-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Dhibra P.S. Case
No. 11 of 2015 registered for the offences punishable under Sections
147, 148, 149, 120B, 353, 124(A), 307 of the Indian Penal Code,
Section 17 C.L.A. Act, Sections 25(1-B)a, 26/35 of the Arms Act.

Allegedly, the petitioner including other FIR named accused
as well as 50-60 unknown persons attacked the camp of CRPF and
made indiscriminate firing. The informant being Assistant Commandant
of CRPF claimed to have identified the petitioner and other FIR named
accused persons. Admittedly, neither the petitioner was caught on the
spot nor anything was recovered from his conscious possession. The
petitioner has criminal antecedent of two cases.

Submission is of false implication and that it is not believable
that the informant being resident of Pithoragarh (Utrakhand) will
identify the petitioner who is resident of district- Gaya, therefore, the



claim of the informant that he identified the petitioner appears to be doubtful. In this case similarly situated co-accused Surendra Yadav @ Suresh Jee and Krishna Yadav @ Krishna Jee have been allowed bail vide annexure 2 and 2/1 and as such the petitioner also deserves sympathetic consideration.

Learned APP submits that the petitioner has got criminal antecedent.

In the facts and circumstances stated above, the petitioner above named 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 the learned Chief Judicial Magistrate, Aurangabad in connection with Dhibra P.S. Case No. 11 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)

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