

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14194 of 2017

Arising Out of PS.Case No. -62 Year- 2012 Thana -DUMARIA District- GAYA

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

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

4 04-05-2017 Let the supplementary affidavit filed on behalf of the
petitioner be kept on the record.

Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Dumariya P.S.
Case No.62 of 2012 registered under Sections 147, 148, 149, 341,
323, 324, 307, 302, 435, 332, 353, 333 and 120(B) of the Indian
Penal Code besides Section 27 of the Arms Act, Sections 3, 4 and
5 of the Explosive Act, Sections 10, 11, 13(i) and 13(ii) of the
U.A.P. Act and Section 17 of the C.L.A. Act.

The accusation is that on receiving secret information
about assembling of the naxalites in the forest to commit heinous



crime, the informant alongwith other police officials proceeded to the forest. In the way, at the bricks soiling room, all of sudden, bomb explosion was made in which the police vehicle damaged. In course of firing made by the naxalites, while some police personnel sustained injury but one died. Thereafter, on the counter firing made by the police, the naxalites started to flee away denoting the name of their members on which basis 74 persons including the petitioner were identified. In course of search made by the police, 900 pressure cooker bombs, 6 I.D. bombs, about 100 meters electric wire and other explosive materials were recovered.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the petitioner was not identified by the police rather he has been accused on the basis of the disclosure of the other co-accused. The petitioner was not apprehended on the spot and since the petitioner is accused in six other cases, as detailed in paragraph-3 to this application, the petitioner has been made accused in this case also. The petitioner is in custody since 20.09.2016. Further submission is that the similarly situated co-accused Chanarik Ravidas alias Pachua alias Chandan Ji alias Chandrika Das and Chottu Das have already been granted bail by a Bench of this Court by a common order dated



29.07.2015 passed in Criminal Misc. No.20583 of 2015 with Criminal Misc. No.21180 of 2015.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Sherghati, District-Gaya, in connection with Dumariya P.S. Case No.62 of 2012. Out of the two sureties, one must be close relative of the petitioner, who will file an affidavit giving genealogy as to how he/she is related with the petitioner. The bailors will undertake to furnish information to the court about any change in the address of the petitioner. Further, the petitioner shall attend the trial court on each and every date fixed in the case during the course of the trial. If the petitioner fails to attend the trial court on two consecutive dates during the course of the trial without any reasonable cause being shown, the trial court would be at liberty to cancel the bail bonds of the petitioner.

(Rajendra Kumar Mishra, J)

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