

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54782 of 2017

Arising Out of PS.Case No. -33 Year- 2016 Thana -DEO District- AURANGABAD

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Ram Pravesh Yadav, Son of Late Rajeshwar Yadav, resident of village-
Raja Bigha, Police Station- Salaiya, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Nivedita Nirvikar, Advocate.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 15-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Deo P.S. Case No. 33 of
2016 registered under Sections 147, 148, 149, 326, 307, 302, 386,
121, 121(A), 122, 124(A) and 427 of the Indian Penal Code,
Sections 25, 26 and 27 of the Arms Act, Sections 3, 4 and 5 of the
Explosive Substance Act, Section 17 of the C.L.A. Act and
Sections 16(1)a, 16(1)b, 38, 39 and 40 of the UPA Act.

As per the prosecution case, there was a cross firing
between the criminals and the police and after culmination of the
firing, the petitioner along with other accused persons were
identified by the police personnel in the course of escaping.
Thereafter, during the course of combing operation, there was a
land mine blast claiming the life of one constable and making two
constables injured.



It is submitted by learned counsel for the petitioner that the petitioner was not identified by any independent witness of the occurrence rather he is said to have been identified by the police in the earlier occurrence of cross-firing and not in the subsequent occurrence of the land mine blast. The allegation levelled against the petitioner is not specific rather omnibus. There is no cogent evidence indicating the complicity of the petitioner in the occurrence. Though the petitioner has criminal antecedents, but he has been enlarged on bail in some of the cases filed against him. Similarly situated six co-accused persons who were identified by the cops during escaping have been enlarged on bail by co-ordinate benches of this Court. The petitioner has been languishing in custody since 02.02.2017.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Adhoc Additional District and Sessions Judge-VII, Aurangabad in connection with Sessions Trial No. 241 of 2017 / 290 of 2017 arising out of Deo P.S. Case No. 33 of 2016.

(Prakash Chandra Jaiswal, J)

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