

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28797 of 2018

Arising Out of PS. Case No.-52 Year-2010 Thana- GAYA RAIL P.S. District- Gaya

Upendra Yadav, Son of Late Ram Siya Yadav, resident of Village-
Nobarakpur, P.S. Paraiya, District- Gaya ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Birendra Kumar, Adv.

For the Opposite Party : Mr. Nityanand Tiwary, APP 41

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

5 10-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Gaya Rail P.S. Case No. 52 of 2010 instituted for the offence
under Section 1479,, 307 and 427 of the Indian Penal Code, 150
and 151 of the Railway Act, 3 and 4 of the Explosive
Substances Act and 17 of the Criminal Law Amendment Act.

In the written report it is alleged that the informant
is Electric Driver of Railway. He along with Assistant Driver
proceeded from Gomo Railway Station by Train No. 2443
(Bhuneshwar Rajdhani Express) and reached at Gaya Junction
at about 11.00 P.M. and proceeded from Gaya at 11.35 P.M.
and crossed Kashtha Railway Station at 11.45 P.M. Thereafter,
all of a sudden he heard heavy sound. The Driver stopped the
train by using emergency brake near pole no. 482/5-7, which
was damaged and there was a ditch under the Railway line and
ten boggies of Bhuwaneshwar Rajdhani Express were derailed



due to heavy explosion of bomb and a flag of red colour was found on pole no. 481/27 on which the slogan "against operation green hunt" was found written. The informant claimed that unknown Maoists (M.C.C.) have committed the said occurrence to damage the Government property.

It is submitted that the petitioner is not named in the written report. The name of petitioner has come subsequently during investigation .

A report was called for from the Court below about the present status of the case, which has been received. The Court below has submitted in the report that processes under Sections 82 and 83 of the Criminal Procedure Code have been issued against the petitioner.

The main case has been committed to the Court of sessions after splitting the case of the petitioner.

In the aforesaid circumstances, the Court is not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail of petitioner is **rejected.**

The petitioner is directed to surrender before the Court below and pray for regular bail

(Sanjay Priya, J)

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