

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28764 of 2018

Arising Out of P.S.Case No. -23 Year- 2016 Thana -BARABAR TOURIST District- JEHANABAD

=====

GULSHAN YADAV @ GULSAN YADAV, Son of Fauzdari Yadav,
Resident of Village- Sahobigha, P.S.- Ghosi, District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 28-06-2018 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner is in custody in connection with Barabar Tourism (Barabar Paryatak) P.S.Case No.23 of 2016 registered for an offence under Section 307 and other sections of the IPC, 27 of the Arms Act, 17 of the Criminal Law Amendment Act and sections 16, 17, 18, 18(A) and 20 of the Unlawful Assembly Prevention Act.

The allegation in the FIR is that the base-camp of the informant was raided and a vehicle parked there was set on fire. One Kamlesh Paswan is alleged to have threatened that if levy is not given by the informant and his master, further damage would be done. During the course of investigation, aforesaid Kamlesh



Paswan who has also been named in the FIR was arrested and he disclosed the name of his associates. It further appears from the FIR that Kamlesh Paswan was accompanied by 10-12 miscreants. From the slogans that were being raised, the informant could assess that the miscreants were the members of MCC, a banned outfit.

It has been submitted that the name of this petitioner and other co-accused surfaced in the confessional statement of Kamlesh Paswan and except this there is nothing against the petitioner. The said Kamlesh Paswan was put on trial and he has been acquitted by the court below itself. One of the accused Kamlesh Paswan has been granted bail by a coordinate Bench of this Court in Cr.Misc.No.43196 of 2017. The case of this petitioner stands on similar footing.

The learned APP opposed the submissions.

Considering the facts and circumstances of the case, the prayer for bail is allowed. Let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Umesh Prasad, Judicial Magistrate, Ist Class, Jehanabad in connection with Barabar Tourist (Barabar Paryatak) P.S.Case No.23 of 2016 with following conditions:-



- (i) With following One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

B.Kr./-

U		T	
---	--	---	--

