

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38420 of 2018

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

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1. Ganesh Kumar @ Ganesh Yadav @ Ganesh Kumar Yadav S/o
Balkeshwar Yadav @ Baleshar Yadav, R/o Vill.- Kharak Bigha, P.S.- Deo,
District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 23-08-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Deo P.S.Case No.33 of 2016 , registered for offences punishable under Sections 147, 148, 149, 326, 307, 302, 353, 386, 121, 121(A), 122, 124(A), 427 of the Indian Penal Code, Sections 25, 26, 27 of the Arms Act, Sections 3, 4, 5 of Explosive Substances Act, Sections 17 CLA Act and Sections 16(1)a, 16(1)b, 28 UAPA Act.

Allegation against the petitioner as per FIR is that the police raided at the place of Gangoi on information about assembling of nexalites and found several persons fleeing from the place of occurrence including the petitioner and later on a land mine blast occurred.



Submission of the learned counsel for the petitioner is that the occurrence took place on 19.6.2016 and the petitioner was in custody since 3.4.2016 to 6.9.2016 in Madanpur P.S.Case no.42 of 2016 and moreover the petitioner is the son of Balkeshwar Yadav and about the antecedent, it is submitted that in all the cases, he has been named on the confessional statement of the co-accused.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the court below within a period of six weeks from the date of receipt of the order and on surrender he will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad in connection with Deo P.S.Case No.33 of 2016, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) 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 co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.



With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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