

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27236 of 2018

Arising Out of PS.Case No. -139 Year- 2018 Thana -BARACHATTI District- GAYA

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Ustad Yadav, S/o Jagdish Yadav, resident of Village- Hahesadhi, Police
Station- Barachatti, District- Gaya, State- Bihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Nikhil & Mr. Kriti Singh

For the Opposite Party/s : Mr. Pramod Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 18-05-2018 Heard the learned counsel for the petitioner as
well as the learned A.P.P. for the State.

In this application the petitioner seeks bail in
connection with Barachatti P.S. Case No. 139 of 2018 for the
offences punishable under sections 147, 148, 149, 307, 384 and
396 of the Indian Penal Code, sections 25 (1-B) A, 26 and 35 of
the Arms Act, section ¾ of the Explosive Substance Act and
sections 16, 18, 20 and 22 of the U.A.P Act.

Allegedly, during combing operation there was
firing from the side of the extremists and cross firing from the side
of the police personnel and during the said operation one extremist
was caught who disclosed his name as Krishna Kumar Bhokta and
further the police recovered large number of arms and



ammunitions and the arrested Maoist disclosed the names of other companions including the petitioner stating that they are active members of the organization and were in possession of arms such as Insas, A.K.47 and rifles.

Submission is of false implication and that the petitioner has got no criminal antecedent, he has been made accused only on the basis of the alleged confessional statement of co-accused made before police, nothing has been recovered from possession of the petitioner, he has not been put on the test identification parade, the present FIR has been lodged after delay of two days without any explanation, the petitioner has been implicated only on suspicion, there is no any specific allegation for committing any overtact against the petitioner, no cogent and legal material has come against the petitioner during investigation, the petitioner has not disclosed or confessed anything and he is rotting in jail custody since 21.02.2018, charge sheet has already been submitted and as such there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail of the petitioner but fairly submits that the name of the petitioner has come in the confessional statement of co-accused.

In the facts and circumstances stated above, the



petitioner above named, is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Sherghatti (Gaya) in connection with the aforementioned case, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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