

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14368 of 2018

Arising Out of PS.Case No. -61 Year- 2008 Thana -NAYA RAM NAGAR District- MUNGER

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1. Krishna Nand Yadav @ Krishnanand Yadav S/o Late Madan Yadav, R/o Village- Paniyar Chak (Paniyal Chak) Patam, P.S.- Naya Ram Nagar, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar, Adv.

For the Informant : Mr. Anjani Kumar, Sr. Adv.

For the Opposite Party/s : Mr. Dev Narayan Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 25-04-2018

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 452, 341, 342, 307, 302, 120B of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of the Criminal Law Amendment Act.

According to FIR, 30 to 40 extremist attacked on the shop of the informant and made indiscriminate firing causing death of three persons and injury to one. The FIR would reveal that other named persons are under suspicion to be member of the extremist group who had threatened in the past for demand of ransom to allow the construction work of road. It is stated that the wife of this petitioner has also threatened and allegedly conspired



with the extremist.

Submission of the learned counsel for the petitioner is that petitioner is in custody since 12.07.2017. Other co-accused have either been allowed anticipatory bail or regular bail by different Coordinate Benches of this Court including Sadhana Devi, the wife of this petitioner vide Annexure-2 series. Petitioner is ready to cooperate with the trial.

Learned counsel for the informant opposed the prayer for bail on the ground that the petitioner has got criminal antecedent and is accused in 10 other criminal cases of serious nature. He is an active member of the extremist group. Moreover, the prosecution witnesses are getting threat, to not to depose in the case, at the hands of the accused persons. The case of the petitioner is distinguishable as he was absconder in the case for long and others who had surrendered or were apprehended at the earliest have been allowed bail.

Considering the fact that there is no substantial material against the petitioner to detain him as under trial prisoner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with S.T. No. 206



of 2017 arising out of Naya Ram Nagar Police Station Case No. 61 of 2008, subject to the condition that both the bailors shall be resident of within the territorial jurisdiction of the court below and further condition that the petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

If the petitioner would be found by the court below to have threatening the witnesses and the finding is based on material on the record this would also be a ground for cancellation of bail bond of the petitioner.

With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

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