

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62724 of 2018

Arising Out of PS. Case No.-196 Year-2017 Thana- AMAS District- Gaya

Lakhan Mistry @ Lakhan Yadav, Son of Yogi Yadav, Resident of Village-
Asurain, P.S. Imamganj & Lutua, District Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh
For the Opposite Party/s : Mr. Smt. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 02-11-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Amas P.S. Case No. 196 of 2017 registered for the offence punishable under Sections 272 and 273 of the IPC and Sections 147, 148, 149, 323, 341, 342, 427, 435, 436, 440, 504, 506 and 120(B) of the Indian Penal Code and Sections ¾ of Explosive Substance Act and Sections 13, 16, 18, 19, 20 and 38 of U.A.P. Act, 1967.

FIR is registered against more than 40 unknown persons. It has alleged in the FIR that they detonated M.C.R. and two guards posted near M.C.R. were made hostage on the point of gun and were also assaulted by them. It has further alleged that one Porta Cabin used by electrician was also put on



fire and damaged to the plant.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. Petitioner is not named in the FIR. His name has surfaced in this case on the basis of confessional statement of co-accused, namely, Sanjay Das and Balkesh Bhuiyan who have already been granted bail by the court below itself in B.P. No. 274/17

252/17 and in B.P. No. 287/17
2592/17. It has been further submitted that similarly placed co-accused has also been granted bail by the learned court below. No incriminating material has been recovered from his possession. No TIP was done. Petitioner is in custody since 21.05.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati (Gaya), in connection with Amas P.S. Case No. 196 of 2017 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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