

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5880 of 2019

Arising Out of PS. Case No.-16 Year-2008 Thana- DUMARIYA District- Gaya

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Bhola Yadav @ Bindi Yadav, son of Bhui Yadav, Resident of Village-
Nawada, Police Station- Raushanganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since 25.07.2018 in connection with Dumariya P.S. Case No.16 of 2008 registered for the offences punishable under Sections 147, 148, 149, 307, 333, 353 and 384 of the Indian Penal Code and Sections 25(1-B)a, 26, 27 and 35 of the Arms Act and Section 17 of the Criminal Law Amendment Act.

Prosecution case as per the written statement of Jyoti Prakash submitted to Inspector of Police, Dumariya P.S. on 16.06.2008 at 5.30 P.M. is to the effect that the informant received a secret information that members of extremist group have assembled at village Aurmatar, whereupon a raid was laid and 22-25 extremists was found assembled. On seeing the police party, they flee away and hid themselves and started firing



whereupon police resorted to counter firing. Thereafter, one extremist was apprehended with pistol and live cartridge and cash amount of Rs.43,000/- who disclosed the name of 15 persons who escaped from the scene including the name of petitioner along with some unknown.

It is submitted by learned counsel for the petitioner that the petitioner's name sprang up only on the basis of confessional statement of the apprehended person and no recovery has been made from the petitioner. It is further submitted that the apprehended co-accused, namely, Mahendra Singh Bhokta, has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.10.16 passed in Cr. Misc. No.36151 of 2016. The petitioner is made accused in two other cases.

Considering the nature of accusation and the fact that the investigation has already been concluded, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, First Class, Sherghatti, Gaya in connection with Dumariya P.S. Case No.16 of 2008.

(Dinesh Kumar Singh, J)

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