

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6034 of 2019

Arising Out of PS. Case No.-243 Year-2010 Thana- MADANPUR District- Aurangabad

Ashutosh Jee @ Jugal Yadav @ Yugal Yadav, aged about 40 years, Gender – Male, Son of Sivnath Yadav, Resident of Village- Gamhariya (Bharaundha), P.S. - Gurua, District – Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 16.07.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 447, 323, 504, 342, 435, 427 of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of Criminal Law Amendment Act.

The prosecution case as per the fardbeyan of Nasir Khan recorded by S.I. J.P. Singh, S.H.O. of Madanpur P.S. on 08.11.2010 at 7.30 A.M. is to the effect that on 07.11.2010, the informant was sleeping in the hutment situated near the mobile tower premises, in the meantime, 40-50 unknown persons came, raised slogan in favour of MCC, ransacked the tower and burnt



the generator and other devices of the tower. Though, the case was registered in 2010 but after five years, the name of the petitioner sprang up on the information of a spy and subsequently on the confessional statement of Lala Yadav.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled. It is further submitted that neither there is any recovery from the petitioner nor has the petitioner been put on T.I. Parade and similarly situated co-accused persons have been granted bail by different co-ordinate Benches of this Court vide Cr. Misc. Nos. 8630 of 2016, 18634 of 2016 and 18772 of 2018. The petitioner is accused in four other cases.

Learned APP, however, submits that the name of the petitioner sprang up during investigation and petitioner has serious criminal antecedent.

Considering the fact that the name of the petitioner sprang up after five years of the registration of the case, the petitioner not being put on T.I. Parade and investigation being concluded, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with



Madanpur P.S. Case No. 243 of 2010.

Since the petitioner is having serious criminal antecedent, the learned Court below will be at liberty to cancel the bail bonds of the petitioner in two eventualities; if the petitioner defaults for two consecutive occasions or gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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