

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6875 of 2019

Arising Out of PS. Case No.-101 Year-2016 Thana- NAUHATTA District- Rohtas

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Ajay Rajbhar @ Surendra Rai, aged about 44 yrs., Male, S/o Late Shital Rai
@ Shital Prasad. R/o village-Tendui Tariper, P.S-Pipra, District, Palamu
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan

For the Opposite Party/s : Mr.Manish Kumar No2

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 14-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Nauhatta P.S. Case No. **101 of 2016** registered for the offence punishable under Sections 147, 148, 149, 341, 323, 302, 120(B), 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 13, 14, 16, 18 and 20 of the U.P.A. Act.

Informant has alleged that on 26.11.2016 his uncle namely Gauri Shankar Yadav and Ballister Yadav @ Sadhu Yadav had gone for grazing their animal in the forest area and in the evening Balister Yadav came back and informed that when they were returning home in the way near Kohawa Baba, some miscreants having arms caught them and somehow he managed to escape but Gauri Shankar Yadav is in their custody. He has



further disclosed that he has heard sound of firing also. It has further been alleged that due to night, they did not go there but in the morning when they went there, they found the dead body of deceased Gaurishankar Yadav who had been killed by firearm. Informant has disclosed that Rajesh Yadav, Jagdish Yadav, Rajendra Yadav, Birendra Yadav who have relation with Naxali Ajay Rajbhar, i.e., the petitioner and Anil Kushwaha have got his murder done with help of Naxali.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case at the instance of his enemy. It has further been submitted that though petitioner is named in the F.I.R. but there is no specific allegation of any overt act against the petitioner. Petitioner is in custody since 12.08.2018 but no Test Identification parade was made till date. Similarly, situated co-accused person has been granted bail by this Court as contained in Annexure 2.

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/- with two sureties of the like amount each to the satisfaction of learned A.D.J.-VII, Rohtas at Sasaram in connection with Nauhatta P.S. Case No. **101 of 2016**, with following conditions:-

(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 properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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)

Sanjay/-

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