

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8033 of 2019

Arising Out of P.S. Case No.-321 Year-2015 Thana- FATEHPUR District- Gaya

YUVRAJ PRASAD YADAV @ YUVRAJ YADAV, aged about 50 years,
Gender-Male, Son of Ram Sharan Yadav Resident of Village-Khatangi, Tola-
Karmatarh, P.S.- Sirdala, District -Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-02-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
22.11.2018 in connection with Fatehpur P.S.Case No.321 of
2015 for the offence alleged under Sections 307, 147, 148, 149,
353, 384 and 386 of the Indian Penal Code and Sections 25(1-
b)a, 26 and 35 of the Arms Act and Sections 3, 4 and 5 of the
Explosive Substance Act as well as Section 17 of the Criminal
Law Amendment Act.

The prosecution case as lodged by the police
personnel is that on information that a large number of Naxals
have camped in Tinkedia Pahari, the police started combing



operation and after various rounds of firing, the Naxalites managed to flee away, except one Sukar Munda who was apprehended who revealed the name of his associates.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the FIR and not named by the apprehended co-accused Sukar Munda but his name surfaced on the confessional statement of one Rajesh Sharma before the police which has no evidentiary value in the eye of law. He further submits that no overt-act has been alleged against the petitioner and that chargesheet has already been submitted. He further submits that some of co-accused named in the FIR have been granted the privilege of bail by coordinate Benches of this Court in Cr.Misc.No.27294 of 2016 dated 05.09.2016 and Cr.Misc.No.35232 of 2016 dated 21.10.2016.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner belongs to a Naxal group and does not bear a clean antecedent as one more case on similar allegation is pending against him, although, it has been informed by the counsel for the petitioner that in the said case being Fatehpur P.S.Case No.245 of 2016, the privilege of bail has already been granted to the petitioner.

Having considered the facts and circumstances and



the materials on record as well as the nature of allegations, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Fatehpur P.S.Case No.321 of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gaya, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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