

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22419 of 2019

Arising Out of P.S. Case No.-53 Year-2011 Thana- TANDWA District- Aurangabad

NAGESHWAR YADAV (Male), aged about 74 years Son of Late Lochan Yadav Resident of Village- Kulhaiya, P.S.- Hariharganj, District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 20.06.2018 in connection with Tandwa P.S.Case No.53 of 2011 for the offence alleged under Sections 147, 148, 149, 353, 307 and 427 of the Indian Penal Code, Sections 3/4 of the Damage of Public Property Act, Section 17 of the Criminal Law Amendment Act and Section 27 of the Arms Act.

The prosecution case as lodged by the police personnel is that 16 persons including the petitioner and 400 unknown extremists encircled the police station and resorted to indiscriminate firing in order to kill, loot and damage the public property.



It has been submitted by the learned counsel for the petitioner that he is innocent, a 74 year old man and has been falsely implicated in the aforesaid case. He submits that it was mob attack, general and omnibus allegations have been levelled against the mob and just because the petitioner has a criminal antecedent, he has been named and made accused in the present case. He further submits that chargesheet has already been submitted and the petitioner is languishing in judicial custody since more than nine months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner bears a criminal antecedent and four more cases under similar allegations are pending against him.

Considering the nature of allegations, the period of custody and that chargesheet has already been submitted, 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 Tandwa P.S.Case No.53 of 2011 to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Aurangabad, 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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