

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26300 of 2019

Arising Out of PS. Case No.-155 Year-2018 Thana- DEO District- Aurangabad

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Ganesh Yadav @ Ganesh Kumar Yadav @ Ganesh Kumar, aged about 35 years, S/o Sri Balkeshwar Yadav, R/o village- Kharag @ Khadak Bigha, P.S.- Deo, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-06-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in judicial custody since 02.01.2019 in connection with Deo P.S. Case No. 155/2018 registered for the offence punishable under Sections 147/148/149/307/302/353/436/435/395/121/121(A)/122/124(A)/120(b) of the Indian Penal Code and under Sections 16/17/18/20/38/40 of U.P.A. Act and ¾ of Explosive Substance Act.

The prosecution case, as lodged by the police personnel, is that on information that near the gas down large number of Maovadis have resorted to arson, killing and loot and has killed one Narendra Prasad Singh, the police resorted to



firing and there was cross firing from both sides the police has named 14 persons, local villagers have named 42 persons, including the petitioner, and five persons have been named by the local people to have been associated with the said Maovadis.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, it was a mob attack and nothing has been recovered from the possession of the petitioner. He submits that general and omnibus allegation has been levelled against the petitioner and he is languishing in judicial custody since more than six months. He further, submits similarly situated co-accused have been granted privilege of bail by a coordinate Bench of this Court in Cr Misc. No. 17142 of 2019 dated 01.04.2019 and in Cr. Misc. No. 25647 of 2019 dated 22.04.2019 respectively.

However, the learned A.P.P. for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and that the petitioner does not bear a criminal antecedent, 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 to the satisfaction of the learned C.J.M., Aurangabad in connection with Deo P.S.



Case No. 155/2018, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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