

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61320 of 2018

Arising Out of PS. Case No.-93 Year-2016 Thana- ROSHANGANJ District- Gaya

Binod Yadav @ Nagendra Yadav Son of Bhola Yadav, Resident of Village-
Barha, P.S. Dumariya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Sri Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-12-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The present petition is second attempt on behalf of the petitioner for grant of regular bail in connection with Raushanganj Bankebazar P.S. Case No. 93 of 2016 for the offence registered under Sections 147, 148, 149, 342, 326, 307, 302, 353, 414, 332, 333, 121(A), 122 and 124(A) of the Indian Penal Code, Sections 25(1-A), 25(1-AA), 26, 27(3) and 35 of the Arms Act, Sections 16(1) (a), 20 and 38 of the U.A.P. Act, Section 17 of C.L.A. Act and Sections 3/4 of the Explosive Substances Act, inasmuch as the earlier bail petition of the petitioner for grant of bail was rejected by this Court vide order dated 20.09.2017 passed in Criminal Misc. No. 45706 of 2017.

The case of the prosecution is that the Superintendent



of Police, Aurangabad came to know that naxalites including the FIR named accused persons and 50-60 other unknown persons had assembled at the place of occurrence and were conspiring to commit crime whereafter, the Superintendent of Police, Aurangabad and police battalion reached at the said place of occurrence in the morning of 18.07.2016, for the purposes of apprehending the naxalites, after proceeding towards Dumri village (Banka bazaar) and then at about 11.15 in the day time, huge explosion had occurred in which the police personnel got injured and the naxalites also started firing indiscriminately. The police had also engaged in counter firing. The police also came to know about the named FIR accused persons since the naxalites were taking the name of each other during the course of encounter.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has got no connection with the alleged occurrence and he is languishing in custody since 03.01.2017.

I have gone through the materials on record and heard the learned counsel for the petitioner. It is clear from the FIR that the petitioner is one of the named FIR accused person. The petitioner is an accused in several criminal cases which are of



similar nature and the petitioner appears to be a veteran criminal. The seizure list also shows recovery of S.L.R., magazine, live cartridge and rifle etc. Moreover, this Court finds that there has been no change in circumstances, from the date the prayer of the petitioner for bail was rejected vide order dated 20.09.2017, till date, hence, there is no occasion for reconsideration of the prayer of the petitioner for grant of bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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