

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81211 of 2019

Arising Out of PS. Case No.-68 Year-2019 Thana- AMBA District- Aurangabad

AWDHESH YADAV @ AWADHESH YADAV, Son of Suryadeo Yadav
Resident of Village - Paurapar, P.S.- Hariharganj, Distt.- Palamu (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 25.10.2019 in a case registered for the offences punishable under Sections 147, 148, 149, 353, 307, 124A of the Indian Penal Code, Sections 27 of the Arms Act and Section 17 of the Criminal Law (Amendment) Act.

The prosecution case as per the self statement of Shyam Kishor Singh, Inspector-cum-SHO, Nabinagar Police Station, recorded on 19.07.2019 at 6.30 A.M. is to the effect that the informant received a secret information to the effect that Commander of the naxal group, namely, Pramod Mishra and Sandeep Yadav are planning to cause damage to the under-construction bridge on river Batane situated in the village



Parta. Consequently, a raid was laid and on seeing the police party, the accused persons started fleeing away from the scene. Subsequently, used cartridges and SLR were recovered, leading to registration of FIR against 33 named and 17 unknown. Petitioner was not named, but his name sprang up during investigation. Subsequently, the name of the petitioner sprang up during investigation, on the basis of confessional statement of co-accused, Raju Yadav.

It is submitted by learned counsel for the petitioner that neither there is recovery of arms or ammunitions from possession of the petitioner nor the petitioner has been put on Test Identification Parade. A statement to that effect has been made in paragraph nos. 13 and 14 of the petition. It is further submitted that the name of the petitioner sprang up on the basis of confessional statement of co-accused, Raju Yadav, who has been granted bail by a Co-ordinate Bench of this Court, vide order dated 24.10.2019, passed in Criminal Miscellaneous No. 67986 of 2019. Further statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up during investigation on the basis of confessional



statement of co-accused.

Considering the fact that the name of the petitioner sprang up during investigation on the basis of confessional statement of co-accused, Raju Yadav, who has been granted bail by a Co-ordinate Bench of this Court, neither there is any recovery from the possession of the petitioner nor the petitioner has been put on Test Identification Parade, the investigation already being concluded and the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad, in connection with Amba P.S. Case No.68 of 2019.

(Dinesh Kumar Singh, J)

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