

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23291 of 2020**

Arising Out of PS. Case No.-6 Year-2019 Thana- LUTUA District- Gaya

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Brahmdev Yadav Son of Bhagwan Yadav @ Bhagwandas Yadav Resident of
Village - Lutua, P.S.- Lutua, Distt - Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indrajesh Kumar

For the Opposite Party/s : Mr.A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 04-11-2020 Heard learned counsel for the petitioner as well as

learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Lutua P.S. Case No. 6 of
2019 (Sessions Trial No. 550 of 2019), registered for the offence
under Section 307 & other allied sections of the Indian Penal
Code, Sections 25(1-b)A, 26, 27, 28, 29 of the Arms Act,
Sections 3/4/5 of Explosive Substances Act and Sections 16, 18,
20 of the U.A.P. Act.

As per the prosecution case, on a secret information
received by the informant, he proceeded to conduct a raid on
18-05-2019 to prevent the Naxal activity and when the
informant alongwith police force reached near Ekrupayable,
Naxals started indiscriminate firing on police force, for which,
counter firing was also done by the police, in which, some



jawans sustained injuries on their persons. It is further alleged that on apprehension of damage, Naxals ran away from there and arms & ammunition in huge quantity were seized from the spot.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case on his self-confessional statement. Nothing has been recovered from the conscious possession of the petitioner. Save and except self-confessional statement of the petitioner, there is no other material against this petitioner. It is further submitted chargesheet has already been submitted in this case and petitioner is in custody since 16-08-2019.

Considering the aforesaid facts and circumstances, the bail application of petitioner is allowed. Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. - III, Gaya in connection with Lutua P.S. Case No. 06 of 2019, corresponding to Sessions Trial No. 550 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be



cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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