

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27533 of 2020**

Arising Out of PS. Case No.-10 Year-2020 Thana- BANKA District- Banka

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BABLU YADAV Son of Prayag Yadav Resident of Village - Majlishpur, P.S.-
Banka, District - Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 26-11-2020 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest
bail in connection with Banka P.S. Case No. 10 of 2020 registered
for the offences punishable under Sections 147, 149, 323, 307,
504, 506 of the Indian Penal Code, Section 27 of the Arms Act
along with Section 3/4 of the Explosive Act.

Learned counsel for the petitioner submits that as per
the prosecution story all the accused persons along with 25-30
other persons were going to load sand on their tractors. The
informant who is Incharge of Dharamkata in the establishment of
Mahadev Enclave Pvt. Ltd. tried to stop the accused persons on



which they started abusing the informant. It is further alleged that co-accused Kamal Yadav started firing in the air from his pistol and threatened the informant to kill him. Another accused Sharad Yadav threatened the informant to kill by throwing a bomb, said Sharad Yadav threw a bomb towards the informant which blasted but it is stated that the informant saved himself and he did not receive any injury.

Learned counsel submits that it is a case of over implication of the accused. The petitioner is only been named among altogether 11 accused persons but there is no specific allegation against the petitioner to committing any overt act. It is further submitted that the petitioner has otherwise no criminal antecedent.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but admits that so far as this petitioner is concerned there is no specific allegation against him.

Having regard to the facts and circumstances of the case wherein there is no specific allegation against the petitioner and the petitioner has no criminal antecedent, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Banka P.S. Case No. 10 of 2020 be released on bail on furnishing of bail bonds of Rs.



25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

