

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69093 of 2019

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

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Lohadi Yadav S/o Yogi Yadav R/o village- Tendu, P.S.- Dhibra, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-01-2020 Heard learned counsel for the parties.

Petitioner is an accused in a case registered for the offence punishable under sections 147, 148, 149, 353, 307, 124(A) of the IPC, section 27 of the Arms Act and section 17 of the C.L.A. Act.

The prosecution case, in brief, is that on 18.07.2019, the informant got a confidential information that the Maoist Naxals are preparing to blast the Bridge which is being constructed at Batane River near Parta Village, P.S. Amba, Aurangabad and to assault and kidnap Munshi and labourers who were working there. This plan was being made by Naxal Commander Pramod Mishra and Sandip Yadav. The S. P. Aurangabad and A.S.P. Abhiyan, Aurangabad were acquainted with this information. Upon which, S.P. formed three teams



under his leadership as per presumption of the panning of Naxals. These three teams were formed under sub-leadership of three different police officers of the police personnels as per directions and planning they reached at their destination in the night at about 11.30 P.M. and took their positions in full alertness. In the meantime, 8-10 bike riders and some pedestrians were wearing uniform of commando and armed with weapons reached near the Bridge and started abusing. The informant asked about them then they replied that they are Maoists. The informant warned and shouted that they are police of Aurangabad District and asked them to surrender. Then the Maoists started firing. On the order of his team to take safe positions and to fire for self defence, they did the same. The police personnels started to surround the Naxals. Other teams also came and they also warned them to surrender but the Naxals started firing upon them. The police team also started counter firing upon Naxals. During the ambush between police and Naxals the Naxals were taking the names of several other Naxals teammates like Abhijit Jee, Vijay Ji etc.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. The petitioner is not named in the FIR. It has further been submitted on behalf



of the petitioner that the allegation of firing is not against the petitioner. Petitioner has got no criminal antecedent and he is in custody since 12.08.2019. Charge sheet has also been filed in the case. There is no allegation of tampering with the evidence. Several similarly situated co-accused have already been allowed bail by a bench of this Court vide order dated 24.10.2019 passed in Cr. Mis. No. 67986/2019, order dated 22.2019, passed in Cr. Mis. No. 62344/2019, order dated 11.12.2019, passed in Cr. Mis. No. 81795/2019 and order dated 11.12.2019 passed in Cr. Mis. No. 81211/2019.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, 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 Chief Judicial Magistrate, Aurangabad in Amba Police Station Case No. 68 of 2019, on the following conditions:-

(1) Petitioner shall co-operate 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 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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