

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80148 of 2019**

Arising Out of PS. Case No.-102 Year-2016 Thana- AMAS District- Gaya

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Dhiru Yadav @ Dhanuk (Male aged about 26 years) Son of Bangali Yadav
R/o Village- Bankar Paharpur, P.S.- Amas, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. S Jamil Akhtar, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 06-01-2020

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Amas PS
Case No. 102 of 2016 dated 18.06.2016 instituted under Sections
25(1-B)A, 26, 35 of the Arms Act and 17 of the CLA Act.

3. The allegation against the petitioner is that he had
given certain materials of an extremist organization to the persons
who were caught by the police.

4. Learned counsel for the petitioner submitted that
neither was he present at the spot from where the police has made
the arrest or recovered certain articles nor is there any allegation
of the petitioner possessing any firearms. It was submitted that the



persons who were trying to flee away were caught and from their house, certain materials relating to an extremist organization has been recovered. It was submitted that only on the basis of the statement of the two arrested persons that the petitioner had provided such material to them, he has been made an accused. It was submitted that even with regard to the allegation that the petitioner was instigating operations of the extremist organization, not even a single instance has been narrated in the FIR. It was submitted that the petitioner has been remanded in the present case on 29.06.2019.

5. Learned APP submitted that the petitioner has 16 other cases of serious nature against him and is said to be the area commander of an extremist group. However, he was not in a position to controvert the fact that the only allegation against the petitioner is that he had provided materials to the arrested persons relating to an extremist organization.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Ist



Class, Sherghati, District Gaya in Amas P.S. Case No. 102 of 2016.

7. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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