

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80334 of 2019

Arising Out of PS. Case No.-421 Year-2013 Thana- SHERGHATI District- Gaya

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DHARMENDRA @ DHARMENDRA YADAV @ BHOLA @ BHOLA
YADAV @ BINDI YADAV Son of Late Bhui Yadav Resident of Village -
Nawada, Police Station - Raushanganj, District- Gaya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-01-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner in the present case is seeking regular
bail in connection with Sessions Trial No. 11 of 2019/158 of
2019 arising out of Sherghati (Dobhi) P.S. Case No. 421 of 2013
registered under Sections 147, 148, 149, 302, 307, 326, 332,
333, 353, 121(A), 124(A), 427 and 120(B) of the Indian Penal
Code, Section 27 of the Arms Act, Section 17 of the Criminal
Law Amendment Act and Section 10, 16, 13, 20, 21, 38 and 39
of the U.A.P. Act.

Earlier the prayer for regular bail of the petitioner was
rejected vide order dated 07.05.2018 passed in Cr. Misc. No.
27345/2018 considering that he was arrested only on
28.12.2017.



Learned counsel for the petitioner submits that from a bare reading of the First Information Report it would appear that this petitioner has been named one amongst the 27 persons against whom the informant who is Sub-Inspector of Police has alleged that they are the persons who are active in the area and involved in the Naxalite activities, there is however no allegation that this petitioner along with others were firing on the police party. It is submitted that noticing the nature of allegations a learned coordinate Bench of this court has earlier granted regular bail to co-accused Lavesh Ranjan in Cr. Misc. No. 23491/2014 and Manoj Yadav in Cr. Misc. No. 6635/2014 while they had been in custody for about one year only. This petitioner has now remained in custody for more than two years and at this stage the trial has yet not begun. It is further submitted that though the petitioner has two cases on his head but in both the cases he is on bail and those cases he has been made accused in a routine and mechanical manner on mere suspicion.

Learned counsel has drawn attention of this court towards some orders enclosed as Annexure '3' to show that some other accused have also granted regular bail by learned coordinate Bench of this court.



Learned A.P.P. for the State has opposed the prayer for regular bail of this petitioner as according to him the petitioner is named in the F.I.R. amongst the other co-accused.

Considering the facts and circumstances of the case and the submission of learned counsel for the petitioner as noticed hereinabove, the nature of allegations which according to the petitioner is in the nature of general and omnibus allegations on mere suspicion and the petitioner having remained in custody for more than two years, the similarly situated accused having been granted bail by learned coordinate Benches of this court, let the above-named petitioner be released on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge – VIII, Gaya, in connection with Sessions Trial No. 11 of 2019/158 of 2019 arising out of Sherghati (Dobhi) P.S. Case No. 421 of 2013, subject to the condition as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of



the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

And further condition that the petitioner shall cooperate in course of trial by putting his appearance on each and every date fixed in course of trial, two consecutive default in putting appearance in course of trial shall invite cancellation of bail.

(Rajeev Ranjan Prasad, J)

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