

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19411 of 2021**

Arising Out of PS. Case No.-127 Year-2018 Thana- BELHAR District- Banka

NEPALI YADAV, Son of Gurucharan Yadav, Resident of Village- Bela, P.S.-
Belhar, District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

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

4 27-10-2021 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. Uma Shankar Prasad Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Belhar P.S. Case No. 127 of 2020 registered for the offence punishable under Section 121, 121A, 120(B) of the Indian Penal Code, Section 25(1-B)a, 26, 35 of the Arms Act and Section 16, 17, 18, 19, 20, 21, 22 of U.A.P.A. Act and C.L.A. Act. He is in custody since 04.04.2020. The petitioner has got three criminal antecedents as stated in paragraph '3' of the petition.

As per the prosecution story, the informant got secret information regarding some active Naxalites who are involved in planning to commit serious occurrence. A combined team of CRPF



and local Police was constituted and the team reached at the given place where some persons on seeing the Police managed to escape but two of them namely Vinod Hembram and Saloni were apprehended. They accepted their involvement in Naxalites activities and also disclosed the name of the petitioner. One loaded country made pistol was recovered from possession of Vinod Hembram and a bag containing two loaded pistol and three cartridges were recovered from possession of Saloni.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner was not identified at the spot and nothing has been recovered from his possession. Except confession of co-accused there is no material against him.

Mr. Uma Shankar Prasad Singh, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein save and except the fact that in the confessional statement of the co-accused Vinod Hembram the name of this petitioner has transpired in this case, no other material has been pointed out to this Court to corroborate the allegations and further that the co-accused Vinod Hembram and Soma Hembram have already been granted bail by learned coordinate Benches of this Court in Cr. Misc. No. 67074 of 2019 and Cr. Misc. No. 837 of 2019, the petitioner has remained in custody since 04.04.2020, investigation against him is complete



but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IIIrd, Banka in connection with Belhar P.S. Case No. 127 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

