

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20026 of 2021

Arising Out of PS. Case No.-15 Year-2016 Thana- MADANPUR District- Aurangabad

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KUNDAN YADAV @ BRAHMDEO YADAV S/O LATE RAM CHANDRA
YADAV R/O VILLAGE CHAK ADAURIA, POLICE STATION MANATU,
DISTRICT-PALAMU, JHARKHAND. Petitioner/s

Versus

THE STATE OF BIHAR. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs. Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 353, 307, 121
& 504 of the Indian Penal Code, Section 27 of the Arms Act and
Section 17 of C.L.A. Act.

The allegation, in brief, is that while the police
party was on patrolling in the forest area, a group of naxalites
opened fire against the police personnel, however, they escaped
away and one lady, who was apprehended, later on, disclosed
the names of 31 persons involved in the alleged occurrence and
petitioner is one of them.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He is quite
innocent and has been falsely implicated in this case on the



confessional statement of co-accused Mobina Khatoon. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused, Mobina Khatoon which has no evidentiary value in the eye of law. The said Mobila Khatoon has been enlarged on bail by a co-ordinate bench of this court vide order dated 11.10.2017 passed in Cr. Misc. No.44390 of 2017 and one similarly situated co-accused has also been enlarged on bail vide order dated 10.01.2018 passed in Cr. Misc. No.62483 of 2017 by different co-ordinate Bench of this Court. The petitioner has been languishing in custody since 24.09.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Madanpur P.S. Case No.15 of 2016, subject to the following conditions :



(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail

(5) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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