

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38619 of 2021**

Arising Out of PS. Case No.-162 Year-2017 Thana- MADANPUR District- Aurangabad

KUNDAN YADAV @ BRAHMDEO YADAV SON OF LATE RAM
CHANDRA YADAV R/O VILLAGE- CHAK ADAURIA, P.S.- MANATU,
DISTRICT- PALAMU (JHARKHAND).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.A.P.P

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 28-09-2021 Heard learned counsel for the petitioner and the
State.

The petitioner prays for grant of bail in a case registered for the offence punishable under sections 307, 342, 353, 121A, 122, 124A and other allied sections of the Indian Penal Code, sections 25(I-b)a, 27 of the Arms Act, 17 CLA Act and 16(I)(b), 20, 38 of UAPA Act.

Informant got secret information that certain armed Maovaadi had gathered under the leadership of Sandeepji, Vinayji and Mahohar Gangu to carry out certain illegal activities and in order to verify the same, informant along with police officers reached there and seeing the police, Maovaadi fired at the police and fled away from there.



It is submitted on behalf of petitioner that no overt-act has been alleged against this petitioner and as per FIR about two hours firing took place between Naxals and police party and about 300 round firings were made by the police party but neither any police personnel became injured nor any Naxals were found injured. The only material which has come that in course of firing accused persons were taking command from this petitioner and nearby villagers disclosed the name of this petitioner. It is further submitted that nothing has been recovered from the possession of the petitioner. Petitioner is in custody since 24.09.2019 and till date he has not been put on TI parade. Petitioner has got eight criminal antecedents and in most of the cases, he is on bail.

Learned counsel for the State opposes the prayer for bail.

Considering the period of custody and the fact that till date he has not been put on TI parade, this bail application is allowed. Let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad in Madanpur P.S. Case no. 162/2017 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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)

s.hassan/-

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