

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30064 of 2020

Arising Out of PS. Case No.-6 Year-2019 Thana- LUTUA District- Gaya

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Ravi Kumar @ Ravi Yadav (aged about 29 Years, Gender-Male), Son of
Suryadev Yadav , Resident of Village - Lutua, P.S.-Lutua, District -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 11-01-2021 Heard Mr. Arvind Kumar Singh, learned counsel for

the petitioner and Mr. Gauri Shankar Gupta, learned counsel

appearing for the State.

Petitioner seeks regular bail in connection with Lutua
P.S. Case No. 06 of 2019 registered for the offence under
Sections 147, 148, 149, 353, 307, 120 (B), 121, 122 & 124 (A)
of the I.P.C., Sections 25 (1-B) A, 26, 27, 28 & 29 of the Arms
Act, Sections 3, 4 & 5 of the Explosive Substances Act and
Section 16, 18 and 20 of the U.A.P. Act.

The allegation as per the First Information Report is
that Police proceeded to conduct raid on the basis of secret
information that some “Naxalites” have assembled and when the
Police reached at the place of occurrence, the accused persons-
“Naxalites” started making indiscriminate firing on the Police
Force and the Police also retaliated with counter firing in course
of which some Constables sustained injuries and one dead body
of a “Naxalite” was also recovered by the Police from the spot.



It has further been alleged that the Police recovered arms and ammunitions in huge quantity.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. whereas 29 named accused persons are there in the First Information Report. Learned counsel further submits that the petitioner has got no criminal antecedent and no incriminating material and / or fire arm has been recovered from the possession of the petitioner. Learned counsel next submits that the name of the petitioner has transpired on the basis of his alleged confessional statement and he is in custody since 30.01.2020. Learned counsel next submits that similarly situated accused persons namely, Brahmdev Yadav has been granted bail by this Court in Cr. Misc. No. 23291 of 2020.

Having regard to the submissions made by the parties and taking into consideration the materials available on record , the fact that similarly situated accused person has been granted bail by this Court, I am inclined to grant regular bail to the petitioner **upon completion of 01 year in custody.**

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned S.D.J.M., Sherghati (Gaya) / court
concerned in connection with Lutua P.S. Case No. 06 of 2019 on
the following conditions:-

(1) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present as and when directed by the court below and in case of his absence on two consecutive dates without sufficient reason, his bail-bond shall liable to be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution shall be at liberty to move for cancellation of his bail-bond.”

It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding social
distancing.

praful/-

(Anil Kumar Sinha, J)

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