

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31477 of 2020

Arising Out of PS. Case No.-132 Year-2003 Thana- RAJAOLI District- Nawada

TULSI YADAV, aged about 60 years (Male), Son of Late Rohan Yadav,
Resident of Village - Gangta, P.S.- Rajauli, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate
For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 08-01-2021 Heard both sides.

The petitioner seeks bail in Rajauli P.S. Case No.132 of 2003, registered under Sections 147, 148, 149, 364, 392 and 302 of the Indian Penal Code and under Section 17 of the C.L.A. Act.

The informant alleged that he along with his driver and owner reached to Vandana Mines, Rajauli but 30 to 35 extremists having armed with different weapons came and kidnapped Dubey Jee when he refused to disclose the where about of his owner. Later on dead body of Arun Kumar Dubey was recovered.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. The case is of the year 2003. For the first time the name of the petitioner along with many



others surfaced in supervision note of the Dy.S.P. Nobody has seen the petitioner at the place of occurrence. The Dy.S.P. named the petitioner and others on his own imagination. There was none in the vicinity of the place of occurrence to identify. The petitioner was apprehended on 20.05.2020 and since then he is in custody. It is further submitted that similarly situated co-accused, namely, Sunil Kumar Yadav @ Sunil Jee, Moti Ram, Raghubir Rajbanshi, Yogendra Manjhi, Sudama Rajbanshi, Kailu Ram and Dhaneshwar Paswan have been granted bail by different Benches of this Court in Cr. Misc. No.17890 of 2011, Cr. Misc. No.8125 of 2009 and Cr. Misc. No.24881 of 2009. The case of the petitioner stands on the same footing.

Mr. B.N. Pandey, the learned Additional P.P. however, opposed the prayer for bail but could not be able to distinguish the case of the petitioner with other accused persons who have already been granted bail.

Taking into consideration the facts that of course it is a case of kidnapping and murder by the extremist organization but the name of the petitioner and other accused persons for the first time surfaced in the case in the supervision note of Dy.S.P. and similarly situated co-accused persons have already been granted bail, petitioner, namely, Tulsi Yadav is directed to be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No.132 of 2003.

(Prabhat Kumar Jha, J)

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