

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2793 of 2021

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

Vikashji @ Rahul Ji @ Ramsawarup Yadav @ Khadak Singh Son Of Govind
Yadav Resident Of Village- Deojara, P.S.- Imamganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Mukul Kumari

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 13-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Madanpur P.S. Case No. 15 of 2016, G.R. No. 251 of 2016, registered for the offence under Sections 147, 148, 149, 353, 307, 121, 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of the C.L.A. Act.

As per the prosecution case, 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 names of 31 accused persons, involved in the alleged occurrence.

It is submitted on behalf of petitioner that at the time of alleged occurrence, the petitioner was in custody in



connection with some other case. It is further submitted that save & except confessional statement, there is no other material against the petitioner to connect him with the aforesaid crime. Similarly situated co-accused namely Mobina Khatoon, Abhay Yadav and Nagendra Yadav have already been granted bail by this Court, vide order dated 11.10.2017 passed in Cr.Misc. No. 44390 of 2017, order dated 10.01.2018 passed in Cr.Misc. No. 62483 of 2017 and order dated 04.06.2020 passed in Cr.Misc. No. 19151 of 2020 respectively. In the supplementary affidavit, in paragraph – 3, it has been stated that though, petitioner is accused in 26 more cases, but except four cases, in all the cases, petitioner is on bail. Petitioner has been remanded in this case on 17.06.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the rival submissions of the parties and the materials available on record, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned C.J.M., Aurangabad in connection with Madanpur P.S. Case No. 15 of 2016, G.R. No. 251 of 2016, on the following conditions:



“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled 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.)

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