

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40956 of 2020

Arising Out of PS. Case No.-10 Year-2020 Thana- BANKA District- Banka

SURAJ YADAV @ SURAJ KUMAR YADAV SON OF HAWA YADAV @
AJAY PRASAD YADAV RESIDENT OF VILLAGE - TELIYA, POLICE
STATION - BANKA, DISTRICT – BANKA.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate.

For the State : Mr. Rajendra Prasad Nat, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 24-07-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 29.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection with Banka P.S. Case No.10 of 2020 registered under Sections 3 and 4 of the Explosive Act, Sections 147, 149, 323, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that on 04.01.2020, 11 persons,



named in the F.I.R., including the petitioner along with 25-30 others were going towards Dhaka turning with a tractor attached with trolley loaded with illegal extracted sand, then the informant Gajveer Singh being the Incharge at Shankarpur Dharmkata of Mahadev Enclave Private Limited Company informed the police and tried to stop the tractor, then all started to abuse. At that time, Kamal Yadav fired three rounds in air and gave threatening that if the vehicle is stopped, he will kill him. In the meantime, Sarad Yadav asked his associate Vikram Yadav to give bomb and, thereafter, Sarad Yadav hurled bomb, which exploded at an open place.

Learned counsel for the petitioner submits that while the petitioner is named in the F.I.R. but no specific overt act is attributed to him. Further submission is that similarly situated co-accused Mantu Yadav, Arun Yadav, Birendra Yadav alias Biren Yadav and Vado Yadav alias Bhado Yadav have already been granted the privilege of pre-arrest bail by a Bench of this Court vide order dated 17.07.2020 passed in Criminal Misc. No.18070 of 2020.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be



enlarged on bail on his furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the Chief Judicial Magistrate, Banka,
in connection with Banka P.S. Case No.10 of 2020, subject to
the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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