

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7365 of 2021

Arising Out of PS. Case No.-11 Year-2018 Thana- KAJRA District- Lakhisarai

Shankar Yadav male, aged about 31 years, Son of Darogi Yadav Resident of Village - Lahsorba, P.S. - Piri Bazar, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

12 27-09-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Lakhisarai Kajra PS Case No. 11 of 2018, instituted for the offence under Sections 147, 148, 149, 353 and 307 of the Indian Penal Code, Section 27 of the Arms Act and Sections 16,17,18,20 and 23 of the Unlawful Activities (Prevention) Act, 1967 (for brevity 'the Act').

43 named accused persons including the petitioner and 40-45 unknown naxals have assembled for commission of some offence whereafter the special task force has arrived. In the



cross-firing, it is alleged that one constable has sustained bullet injury.

Petitioner's counsel submits that it is a case of false implication. No specific allegation has been made against the petitioner. The allegation regarding one constable sustaining firearm injury has not been corroborated during the course of investigation. The petitioner has been accused in many similar cases and has also been allowed bail in six cases as per the statements made in paragraph no. 3 of the supplementary affidavit. In the instant case, he is in custody since 12.02.2020 and till date even sanction for prosecution has not been accorded under the UAP Act.

The learned APP representing the State has opposed the prayer for bail. With reference to the case diary, however, she is not in a position to point out that sanction has been accorded or that any police official has sustained any firearm injury.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, 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, Lakhisarai, in connection with Lakhisarai- Kajra PS Case No. 11 of 2018, GR No. 218 of 2018, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

