

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12447 of 2021

Arising Out of PS. Case No.-93 Year-2016 Thana- ROSHANGANJ District- Gaya

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ABHAY YADAV @ GOVIND JEE @ GOVIND YADAV S/o Kuldeep Yadav
R/o village- Ban Manjhauli, P.S.- Dhibra, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Jubair Ansari, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 13-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 and other sections of the Indian Penal Code, sections 25(1A), 25(1AA), 26, 27(3) and 35 of the Arms Act, sections 16(1)(a), 20 and 38 of U.A.P.A. Act, section 17 of the C.L.A. Act and sections 3 and 4 of the Explosive Substance Act.

As per the prosecution case, in firing between the police personnel and naxalites, it is stated that 10 police personnel lost their life. The occurrence, the weapon seized, the weapon used in the occurrence and other details have been given in detail in the F.I.R. It is finally stated that on enquiry, it transpired that 60-70 accused persons had gathered under the leadership of naxal commander Sandip @ Vijay Yadav and



along with him were 16 other named accused persons who were identified included the petitioner herein.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. From perusal of the F.I.R. itself, it would transpire that there is no eye witness to the occurrence. No one has alleged any overt act against this petitioner who is in custody since 28.2.2018 and is being falsely implicated in cases one after the other inspite of being in custody. There is no material to implicate him in the alleged crime.

The application for bail is opposed by learned A.P.P. appearing for the State.

Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the petitioner being one of the named accused therein together with the killing of 10 police personnel in the occurrence, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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