

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2758 of 2022

Arising Out of PS. Case No.-412 Year-2016 Thana- GAYA MUFASIL District- Gaya

Mahesh Yadav, Son of Late Karu Yadav, Resident of Village- Chand Bigha,
P.S.- Raniganj, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binoy Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Muffasil P.S. Case No. 412 of 2016, registered for the alleged offences under Sections 147, 148, 149, 323, 341, 386, 435, 379 of the Indian Penal Code, Sections 14, 16, 17, 18, 20, 38, 40 of U.A.P. Act and Section 17 of C.L.A. Act.

As per prosecution case, about 20 miscreants attacked the construction site of the company of the informant which was engaged in construction of a rail bridge and set on fire a number of equipments including the truck tippers, Excavator, Hydra, Sumo vehicle, a motorcycle and Tata P & H Crane. The miscreants also threatened the employees present there at the gunpoint and assaulted them and took away their mobile phones



and cash amounting to Rs.50,000/- from individual workers. The name of the petitioner transpired as one of the miscreants during investigation.

The learned counsel for the petitioner submits that the name of the petitioner came up in the confessional statements of co-accused persons. Except for the confessional statement, there is no incriminating material against the petitioner. He was not put to any Test Identification Parade. The petitioner was not even present at the place of occurrence as he had gone out of Bihar for some urgent work. The petitioner is having clean antecedent and is in custody since 26.09.2021. The other co-accused persons have been granted bail by different Coordinate Benches of this Court in Cr. Misc. No.41668 of 2017, Cr. Misc. No.65065 of 2018 and Cr. Misc. No. 5585 of 2017, vide orders dated 19.09.2017, 31.10.2018 and 07.02.2017, respectively. The charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a member of an extremist organization and they demanded extortion money from the company of the informant and towards the same, they torched the equipments and other articles and also took away the mobile phones of the workers.



Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the period of custody of the petitioner and submission of charge sheet along with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Muffasil P.S. Case No. 412 of 2016, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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

