

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41830 of 2021

Arising Out of PS. Case No.-6 Year-2019 Thana- LUTUA District- Gaya

Shalander Kumar @ Kara @ Kaif @ Shailandera S/o Lakhan Yadav R/o
village- Asurain, P.S.- Lutua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Senior Advocate Mr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 22-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Lutua P.S. Case No. 6 of 2019 registered for the offences punishable under Sections 147, 148, 149, 353, 307, 120(B), 121, 122, 124(A) of the Indian Penal Code and Section 27(1-b)a, 26, 27, 28, 29 of the Arms Act, Section 3, 4, 5 of the Explosive Substances Act, 1908 and Section 16, 18, 20 of the Unlawful Activities (Prevention) Act, 1967.

According to prosecution case, on secret information



received by the informant, he proceeded to conduct a raid on 18.05.2019 to prevent the Naxal activity and when the informant alongwith police force reached near Ekrupaiyaba, P.S. Lutua, Naxals started indiscriminate firing on them, for which, a counter firing was also done by the police, in which, some police personnel sustained injuries. It is further alleged that on apprehension of damage, Naxals ran away from there leaving their arms and ammunition and the same were seized in huge quantity from the spot.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that earlier the bail petition of the petitioner has been rejected vide order dated 24.06.2020 passed in Cr. Misc. No. 75644 of 2019.

Vide order dated 14.12.2021 a report was called for with regard to the present stage of trial. A perusal of report would reveal that the case is fixed for evidence.

Learned counsel for the petitioner further submits that similarly situated, co-accused, namely, Brahmdev Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 04.11.2020 passed in Cr. Misc. No. 23291 of 2020



and another co-accused, namely, Ravi Kumar @ Ravi Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 11.01.2021 passed in Cr. Misc. No. 30064 of 2020 . The petitioner is in custody since 04.07.2019.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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 A.D.J.-III, Gaya in connection with Lutua P.S. Case No. 06 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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