

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11424 of 2022

Arising Out of PS. Case No.-73 Year-2015 Thana- KAUWAKOL District- Nawada

Chunni Da @ Chunni Yadav S/o Gobardhan Yadav R/o Village - Lalpur, P.S. -
Kawakole, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with S. Tr. No. 263 of 2021 arising out of Kawakol
P.S. Case No. 73 of 2015 registered for the alleged offences
under Sections 147, 148, 149, 341, 323, 364, 307 of the Indian
Penal Code, Section 25(1-b)a, 26/27, 35 of the Arms Act, U/s
12/16/18/20/38 of the U.A.P. Act and U/s 3/4/5 of the Explosive
Substance Act.

As per prosecution case, the police received
information about some Maoists withholding villagers and cattle
grazers in a forest. When one of the villagers resisted their
attempt, they opened fire and shot at one Ranjit Das. A large



attachment of police team reached at the spot and engaged the miscreants. They opened fire on the police party and also exploded land mines. Two Maoists got injured and from their possession S.L.R. Rifle and a shoulder bag were recovered. The name of the petitioner transpired during investigation as one of the escaped criminals.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. He has been named in this case merely on suspicion and his criminal back ground. But the petitioner is not a *naxalite* rather he is an agriculturist and he is a poor person. The petitioner is not named in the F.I.R. and his name came up in this case on the basis of confessional statement of co-accused and the same is not admissible in the eyes of law. The petitioner is in custody since 23.01.2021 and charge-sheet has been submitted.

Learned APP for the State opposes the prayer for bail submitting that the petitioner is an accused in two cases of similar nature.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, 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 Additional District & Sessions Judge-I, Nawada, in connection with S. Tr. No. 263 of 2021 arising out of Kawakol P.S. Case No. 73 of 2015, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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)

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