

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22945 of 2022

Arising Out of PS. Case No.-169 Year-2013 Thana- KHAIRA District- Jamui

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Janki Yadav Son Of Late Kakhan Yadav Resident Of Village Dudhaniya, P.S.
Sono (Charkapathar), District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinham, Advocate

For the Opposite Party/s : Mr. A.G., APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 Heard Sri. Pankaj Kumar Sinha, learned counsel

 appearing on behalf of the petitioner and learned Additional

 Public Prosecutor of the State.

Petitioner seeks bail in a case registered in

connection with Khaira P.S. Case No. 169 of 2013 for the

offences punishable under Sections 147, 148, 149, 353, 326,

307, 302 of the Indian Penal Code and 27 of the Arms Act

and Sections 16,17,18,19,20,21 and 22 of Unlawful

Assembly as Prevention Act.

As per the prosecution case, it is alleged that the

petitioner along with other members of Nexalite exploded

the under constructed building near Barasi More. It is

further alleged by the informant, who is officer -in-charge



of Khaira camp that when he reached the place of occurrence along with other police personnel , the co-accused persons started firing on the police party due to which one STF Jawan was killed.

Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner has been disclosed by the spy of the police. However, there is no specific allegation of any overt act against this petitioner rather general and omnibus allegation has been alleged against all the 78 F.I.R named accused persons. It is next submitted that the Petitioner was neither put on TIP nor anything has been recovered from his possession which suggests the complicity of the petitioner in the present crime. It is next submitted that only because of past criminal antecedent of the petitioner, he is implicated in this case.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that there is specific allegation against the petitioner that he is a member of Nexalite group and he is having multiple criminal antecedent.



Having heard the rival contentions of the parties and taking into consideration the fact that general and omnibus nature of allegation against all the 78 named accused persons including the petitioner and apart from the fact that other co-accused persons have been granted bail by different co-ordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No. 169 of 2013 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) the petitioner will cooperate in conclusion of the trial.

(ii) he will remain present on each and every date of trial till disposal of the case.

(iii) he will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) in the event of default of two consecutive dates without any cogent reason, his bail bonds will liable



to be cancelled.

(v) 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 cancelling of bail bond of the petitioner. However, the acceptance of bailbonds in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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