

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33653 of 2021

Arising Out of PS. Case No.-13 Year-2014 Thana- DUMARIYA District- Gaya

Abhay Yadav @ Govind Jee @ Govind Yadav, S/o Kuldeep Yadav, R/o
village- Ban Majhauri, P.S.- Dhibra, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

5 27-04-2022 The applicant/accused in Crime No. 13 of 2014 registered with Dumaria Police Station for the offences punishable under Sections 147, 148, 149, 341, 353, 304 and 120(B) of the Indian Penal Code as well as Section 27 of the Arms Act and Section 17 of the C.L.A. Act, by this application is seeking his release on bail during pendency of the trial after filing of the charge sheet.

Heard the learned counsel appearing for the applicant/accused. He argued that as the applicant has criminal history, he is falsely implicated in the crime in question. He submits that there is no evidence against the applicant to connect him to the crime in question.

The learned Additional Public Prosecutor opposed the application by contending that the applicant is a man



having criminal antecedent.

Upon being asked as to whether any of the witness has named the applicant as a members of unlawful assembly which indulged in firing at the police team, the learned Additional Public Prosecutor fairly stated that there is no such witness who has spoken about the presence of the applicant on the scene of occurrence.

According to the prosecution case on 17.03.2014, police started combing the area for taking action against the *Naxalites*. During that operation, in the forest area in the vicinity of Hurmaid village, police found 70 to 80 *Naxalites* with their leader Sandeep Jee. The *Naxalites* were being trained at that place. Upon noticing police, *Naxalites* opened fire at police. The police indulged in counter firing. The *Naxalites* were successfully fleeing from the spot. It is averred by the prosecution that by secret investigation it was revealed that the present applicant was also a members of that squad of *Naxalites* which indulged in firing at the police party.

As fairly accepted by the learned Additional Public Prosecutor there is nobody to name the applicant as member of the unlawful assembly which opened fire at the police team, hence criminal antecedents of the applicant pales into



insignificance. The investigation of the subject crime is over, further pretrial detention of the applicant is not warranted.

Hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 13 of 2014 registered with Dumaria Police Station be released on bail on executing P.R. bond of Rs.50,000/- (Rupees Fifty Five Thousand) on furnishing two sureties of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the



instant case.

(V) The applicant should attend the concerned police station on every first and third Sunday in between 11 A.M. to 1 P.M. till conclusion of the trial.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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

