

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38865 of 2021**

Arising Out of PS. Case No.-200 Year-2012 Thana- MADANPUR District- Aurangabad

ABHAY YADAV @ GOBIND YADAV Son of Kuldeep Yadav Resident of
Village - Ban Manjhauli, P.S.- Dhibra, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 11-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 307 and other sections of the Indian Penal Code, sections 25(1-B)(a), 26, 27 and 35 of the Arms Act, sections 3 and 4 of the Explosive Substance Act and section 17 of the CLA Act.

As per the prosecution case, on information having been received about the accused persons holding a meeting with the intent to damage public property, it is stated that a raid was conducted. The naxalites who had gathered started to attack the police personnel with heavy firing etc. In the occurrence one constable was killed while several were injured. It is stated that from the place of occurrence large amount of arms,



ammunitions etc. as detailed in the F.I.R., were recovered. In course of occurrence on the names being called out between the accused persons the names of eighteen accused persons transpired which included the petitioner herein. The F.I.R. was registered against the eighteen named and 100-150 unknown accused persons.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Although he has been named in the F.I.R., however, the allegations are general and omnibus in nature. No specific overt act has been alleged against him. The cause of false implication against the petitioner is his antecedent. He is in custody since 5.11.2019 and undertakes to cooperate in the case/trial.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for over 2 years, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.103 of 2020/5 of 2021 (arising out of Madanpur P.S. Case no. 200 of 2012) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-XII,



Aurangabad.

In view of the trial having commenced, it is directed that the petitioner shall cooperate in the trial in the learned trial Court and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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