

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50016 of 2021

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

Binod Yadav @ Nagendra Yadav S/o Sri Bhola Yadav R/o village- Barha,
P.S.- Dumaria, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Prasad Singh, Advocate.

For the Opposite Party/s : Mr. N. K. Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Satyendra Prasad Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Dumaria P. S. Case No. 13 of 2014 registered for the offences punishable under Sections 147, 148, 149, 341, 353, 307 and 120 (B) of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of the C.L.A., Act.

As per the prosecution case, it is alleged that in a combing operation against the Nexlites, in the forest area in the



vicinity of Kundari village. The Police found 70 to 80 Nexlites with their leadership Sandip Ji. The Nexlites were being trained at that place, noticing the Police the Nexlites started firing upon the Police and the Police also made counter firing upon them however, the Nexlites were managed to escape from the spot. It is a word by the prosecution that by the secret investigation, it has revealed that the petitioner was also a member of that squad of Nexlites.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against 22 F.I.R. named accused persons and 200 unknown miscreants. It is further submitted that there is general and omnibus allegation against all the accused persons and no specific allegation of any overt act has been levelled against this petitioner. It is next submitted that only on account of the past criminal antecedent, the name of the petitioner has been repeatedly implicated in various cases and the present case is also an example of the same. It is also submitted that several accused persons having identical allegation have already been granted bail by different Benches of this Hon'ble Court. The copies of which have been placed before this Court and the same have been kept on record. It is next submitted that the petitioner is in custody since



12.10.2020 and he is ready to give undertaking that he will co-operate in the trial.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has multiple criminal antecedent and he is one of the active member of the extremist group.

Having considered the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation, apart from the fact that other co-accused persons having identical allegation have already been granted bail by different Benches of this Hon'ble court and moreover, this petitioner is in custody since 12.10.2020, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya in connection with Dumaria P. S. Case No. 13 of 2014, subject to the condition that one of the bailors will be the close relative 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 bail bonds 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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