

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56551 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- LUTUA District- Gaya

Sanoj Yadav @ Sanoj Kumar @ Sanoj Kumar Yadav Son Of Jagdish Yadav
R/O Village- Bhaiyrbadih, P.S.- Chatarpur, Post- Khati, Dist.- Palamu
(Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

Mr. Bhaskar Shankar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-05-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by the Stamp Reporter
within two weeks after start of normal functioning of the Court.

Heard Mr. Krishna Prasad Singh, learned Senior
Counsel for the petitioner and Mr. Nawal Kishore Prasad,
learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Lutua P.S. Case No. 05 of 2021
registered for the offences punishable under Sections 216, 353,
120(B)/34 of the Indian Penal Code and Sections 17, 18, 18(B),
19 of the Unlawful Activities (Prevention) Act. He is in custody
since 19.05.2021.

Learned Senior Counsel for the petitioner submits that
he is going to file a supplementary affidavit today itself to place



on record that there is one case pending against the petitioner in which he is on bail.

He is permitted to do so.

Learned Senior Counsel for the petitioner has drawn the attention of this Court towards the First Information Report lodged by a Police Officer who alleges that on hearing that Naxali commander Sandeep Yadav was living in the area in order to make available the articles of day-to-day use to Naxali cadre, the police party intercepted some vehicles passing through Karamdih More. It is alleged that on two motorcycles altogether four persons were coming from the side of village Gejna who were signaled to stop but they started fleeing away. The police party chased them and caught hold of them. It is then alleged that all the accused persons disclosed their name and from their possession mobile phone and SIM cards attached with the mobile, four new towels, two new jhangiyas and one new dhoti were also seized. The informant who is the Officer-in-Charge of the police station claims that the arrested accused persons disclosed that they were recently recruited in the cadre and they were helping the Naxalies in concealing themselves in the village. On these allegations, the petitioner has been arrested.



Learned Senior Counsel submits that it is a case of false implication and police high-handedness. The recovery is of mobile phone with SIM cards, towels and dhoti which are of use for ordinary people. It is submitted that no incriminating materials could be found from possession of the petitioner so as to suggest that he is involved in any Naxali activity. It is further submitted that in course of investigation, no person has come forward to say that there was any demand of levy from the petitioner for that he was seen helping the Naxalies in the village.

Mr. Nawal Kishore Prasad, learned APP for the State has though opposed the prayer for bail of the petitioner but after going through the case diary, learned APP has submitted that in the case diary there is no witness to say that this petitioner was working for the Naxalies.

Having regard to the submissions noted hereinabove particularly the statement of learned APP after going through the case diary that in course of investigation no incriminating materials has been found against the petitioner, the petitioner has already remained in custody for about one year and investigation against him is complete, the petitioner has got no criminal antecedent and there is no submission on behalf of the



State that release of the petitioner is in any way likely to interfere with the course of trial or that the presence of the petitioner may not be secured in course of trial, in these circumstances, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sherghatti (Gaya) in connection with Lutua P.S. Case No. 05 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that 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 steps for cancellation 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

