

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48510 of 2022

Arising Out of PS. Case No.-93 Year-2016 Thana- ROSHANGANJ District- Gaya

ABHAY YADAV @ GOVIND YADAV @ ABHAY JEE @ GOVIND JEE
Son of Kuldeep Yadav R/V- Ban Manjhauli, P.S- Dhibra, Dist- Gaya
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed his prayer for grant of bail in a case registered under section 302 and other sections of the Indian Penal Code, sections 25(1A), 25(1AA), 26, 27(3) and 35 of the Arms Act, sections 16(1)(a), 20 and 38 of U.A.P.A. Act, section 17 of the C.L.A. Act and sections 3 and 4 of the Explosive Substance Act.

The earlier application for bail of the petitioner was rejected vide order dated 13.9.2021 passed in Cr. Misc. no.12447 of 2021.

As per the prosecution case, in the firing between the police personnel and naxalite, it is stated that 10 police personnel lost their life. On enquiry, it transpired that petitioner was amongst the persons who had gathered to give effect to the



occurrence.

It is submitted by learned counsel for the petitioner that he has been falsely implicated in a series of cases including the instant case. He has been enlarged on bail in other cases and he in custody since 28.2.2018. Neither there is any chance of the trial concluding in the near future nor is there any direct allegation against him. He undertakes to cooperate in the trial.

A report was called for from the learned trial court. From the report received as contained in letter dated 3.11.2022 of the learned Judicial Magistrate 1st Class, Sherghati, Gaya, it transpires that the case has been committed to the Court of Sessions on 3.11.2022.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

However, taking into consideration the petitioner having remained in custody for 4 years 8 months since 28.2.2018, liberty is granted to the petitioner to renew his prayer for bail after six months or framing of charge, whichever is later.

(Partha Sarthy, J)

Saurabh/-

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