

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7213 of 2023**

Arising Out of PS. Case No.-434 Year-2017 Thana- RAMPUR District- Gaya

BHIM YADAV @ JAIDEV YADAV Son of Late Fuchchu Yadav R/o
Mohalla- Gewal Bigha, Bathan, P.S.- Rampur, District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 05-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Rampur P.S. Case No. 434 of 2017 dated 19.12.2027 registered for the offence under Sections 307, 427, 506 read with Section 34 of the Indian Penal Code and Section 3, 4 and 5 of the Explosive Act and Section 27 of the Arms Act.

According to the F.I.R., 20-25 miscreants including the petitioner are alleged to have exploded a bomb inside the house of the informant in the night while the informant's family were sleeping.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that from bare perusal of the F.I.R.,



it appears that no allegation of assault or any overt act is attributed to the petitioner rather there is general and omnibus allegation leveled against the accused persons including the petitioner. He further submits that the co-accused, namely, Dinesh Yadav @ Thallu, against whom same allegation is levelled in the F.I.R, has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.03.20218 passed in Cr. Misc. No. 16162 of 2018. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 11.10.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eight more cases other than the present one but according to Paragraph-3 of the petition, he is on bail in all cases.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Rampur P.S. Case No. 434 of 2017 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 step 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.

(Rajesh Kumar Verma, J)

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