

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10187 of 2023**

Arising Out of PS. Case No.-8 Year-2021 Thana- LUTUA District- Gaya

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Brahmdeo Yadav S/o Bhagwan Das Yadav @ Bhagwan Yadav R/o Village
and P.S.- Lutua, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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

3 09-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
18.05.2022, in connection with Lutua P.S. Case No. 08 of 2021,
F.I.R. dated 28.07.2021 registered for the offences punishable
under Sections 216, 353, 120(b), 34 of the Indian Penal Code
and Sections 18, 19 of Unlawful Activities (Prevention) Act.

Allegation against the petitioner is that he being a
member of Naxalite group put a banner on the wall of
community hall exhorting the other members to do incomplete
work.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case merely on the basis of suspicion.



He further submits that the petitioner has not committed any offence as alleged in the F.I.R. and nothing has been recovered from the conscious possession or the house of the petitioner. He further submits that similarly situated co-accused Anup Kumar @ Anup Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 13.12.2022 passed in Cr. Misc. No. 48449 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya in connection with Lutua P.S. Case No. 08 of 2021, subject to 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 absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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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