

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10911 of 2023

Arising Out of PS. Case No.-39 Year-2015 Thana- BALIGAON District- Vaishali

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YOGENDRA SINGH S/o Late Gola Singh R/o Village- Kartaha, P.S.-
Kartaha, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Baligaon
P.S. Case No. 39 of 2015 dated 23.06.2015 registered for the
offence under Sections 147, 148, 149, 435, 427, 387 and 506 of
the Indian Penal Code and Section 27 of the Arms Act and Section
17 of the C.L.A. Act.

The petitioner is alleged to be a member of Naxal and
he along with his 20-25 companions came to the brick kiln of the
informant and set fire on the tractors and also threatened that if
levy would not be paid, he along with his owner would be killed.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been



named in the F.I.R., however, his name transpired in this case on the basis of confessional statement of the co-accused, Pramod Kumar. In fact, nothing incriminating has been recovered from the conscious possession of the petitioner and till date no T.I.P. has been conducted by the prosecution. Moreover, the co-accused, namely, Pramod Paswan has already been granted bail by a co-ordinate Bench of this Court vide order dated 18.04.2016 passed in Cr. Misc. No. 15508 of 2021. Similarly several co-accused persons have already been granted bail by different co-ordinate Benches of this Court vide order dated 28.04.2021, 30.08.2016, 15.09.2016, 14.12.2016 and 31.07.2017 passed in Cr. Misc. Nos. 17331/2016, 26975/2016, 37739/2016, 43327/2016 and 31962/2017, respectively and the case of this petitioner stands on similar footing. The petitioner is rotting in judicial custody since 13.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

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, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 39 of 2015 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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