

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 9240 of 2022**

Arising Out of PS. Case No.-5 Year-2017 Thana- TANDWA District- Aurangabad

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DHARMENDRA YADAV SON OF UDAI YADAV @ UDAY YADAV R/O
VILLAGE- PICHHULIYA, P.O.- TENDUWA, P.S.- TENDWA, DISTRICT-
AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Krishna Prasad Singh, Sr Advocate with Mr Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr Harendra Prasad, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 31-01-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Tandwa Police Station (for brevity, **PS**) Case No 5 of 2017 registered for the offence punishable under Sections 147, 149 of Indian Penal Code, Sections 25 (1-b) a, 35 of Arms Act, Sections 3, 4 of Explosive Substances Act and Section 17 of Criminal Law (Amendment) Act.

It is alleged that 10 to 15 unidentified Maoists have fled away on seeing the police party and from the place, some arms, ammunition and a bomb have been recovered.

Learned senior counsel submits that petitioner's implication is on basis of alleged confessional statement of co-accused Abhay Kumar Singh. In fact, the petitioner's name has been inserted in the statement of co-accused on account of his antecedents. He has been acquitted in one case out of eight cases, pending against him. In the remaining seven cases, he is on bail. In the instant case, he is in custody since 26.11.2021. His accusation has led to recovery



of no incriminating material from him. Co-accused Abhay Kumar Singh @ Mantu Singh, who has taken his name, has been granted bail by this Court by order dated 12.05.2017 passed in Cr Misc No 22527 of 2017.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of implication, claim based on parity, period of custody as well as the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate VII, Aurangabad in Tandwa PS Case No 5 of 2017 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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