

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19605 of 2023**

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

BINOD YADAV @ NAGENDRA YADAV S/O Bhola Yadav R/O Village-
Barha, P.S- Dumaria (Chhakarbandha), District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh

For the Opposite Party/s : Mr.Jagdhar Prasad

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

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

The present petition is by way of fourth attempt at the behest of the petitioner for grant of bail in connection with Raushanganj (Bankebazar) P.S. Case No. 93 of 2016, registered for the offences under Sections 147, 148, 149, 342, 326, 307, 302, 353, 414, 332, 333, 121(A), 122 and 124(A) of the Indian Penal Code, Sections 25(1-A), 25(1-AA), 26, 27(3) and 35 of the Arms Act, Sections 16(1) (a), 20 and 38 of the U.A.P. Act, Section 17 of C.L.A. Act and Sections 3, 4 of the Explosive Substances Act, inasmuch as all the earlier bail petitions filed by the petitioner have stood dismissed by this Court.

The case of the prosecution, if brief, is that the Superintendent of Police, Aurangabad came to know that naxalites including the FIR named accused persons and 50-60



other unknown persons had assembled at the place of occurrence and were conspiring to commit crime whereafter, the Superintendent of Police, Aurangabad and police battalion reached at the said place of occurrence in the morning of 18.07.2016, for the purposes of apprehending the naxalites, after proceeding towards Dumri village (Banka bazaar) and then at about 11.15 in the day time, huge explosion had occurred in which the police personnel got injured and the naxalites also started firing indiscriminately. The police had also engaged in counter firing. The police also came to know about the named FIR accused persons since the naxalites were taking the name of each other during the course of encounter.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has got no connection with the alleged occurrence as also he is languishing in custody since 31.1.2017. It is further submitted that this Court, by an order dated 13.4.2022, passed in Criminal Miscellaneous No. 7510 of 2022, had granted liberty to the petitioner to renew his prayer for bail, after framing of charge by the learned court below, which has already stood framed on 10.1.2022, hence, the petitioner be granted the privilege of bail. It is also submitted that the petitioner undertakes to appear on each and every date



so fixed by the learned court below in the ongoing trial.

Having regard to the facts and circumstances of the case, considering the submissions made by the Ld. Counsel for the parties and taking into account the period of incarceration of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail, however, subject to certain conditions.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XI, Gaya in connection with Raushanganj (Banke Bazar) P.S. Case No. 93 of 2016.

It is needless to state that the petitioner shall appear on each and every date so fixed by the learned trial court in the ongoing trial and in the event of any default in appearing before the learned trial court, the present privilege of bail, being extended to the petitioner, shall stand cancelled automatically and the petitioner would be liable to be taken into custody forthwith.

The present petition stands disposed off.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

