

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21702 of 2023**

Arising Out of PS. Case No.-43 Year-2017 Thana- IMAMGANJ District- Gaya

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SUBEDAR YADAV@ SUBEDAR JAY @ SUBEDAR JI SON OF JATTU
YADAV RESIDENT OF VILLAGE- MAHULNIYA, PS-
CHAKKARBANDHA, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Jubair Ansari, Advocate

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

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

5 19-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 16.10.2020, in connection with Imamganj P.S. Case No. 43 of 2017, F.I.R. dated 14.03.2017 registered for the offences punishable under Sections 147, 148, 149, 364, 337, 302, 380, 120(B) of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of the C.L.A. Act.

3. Allegation against the petitioner is that he belonged to the Naxalite Group and he along with another co-accused persons have committed the murder of the victim.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in



the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the petitioner belonged to the Naxalite Group and per allegation in the F.I.R. the he along with another co-accused persons have committed the murder of the victim. Learned counsel for the petitioner further submits that there is no eye witness of the alleged occurrence and merely on the basis of suspicion, the petitioner has been falsely implicated in the present case.

5. Learned APP for the State, on the other hand, on the basis of material available on record as well as case diary vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was actually involved in the present crime in question and particularly in paragraph nos. 7, 9, 10, 17 and 18 of the case diary the witnesses have named the petitioner and apart from the aforesaid, the petitioner carries twelve more cases of similar nature other than the present one.

6. Considering the aforesaid facts and circumstances of the case and the criminal antecedents of the petitioner, I am not inclined to enlarge the petitioner on bail in connection with



Imamganj P.S. Case No. 43 of 2017 pending in the Court of
learned Judicial Magistrate 1st Class, Sherghati, Gaya.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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