

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29961 of 2023

Arising Out of PS. Case No.-10 Year-2013 Thana- ROSHANGANJ District- Gaya

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KAMLESH YADAV @ KAMLESH KUMAR Son of Tilakdhari Yadav
Resident of Village - Mainka, P.S.- Imamganj, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Raushanganj P.S. Case No. 10 of 2013 registered for the offences punishable under Sections 147, 148, 149, 353, 427, 379, 302, 124(A), 120(B) of Indian Penal Code, under Section 27 of Arms Act, Section 17 of C.L.A. Act and under Section 3/4/5 of Explosive Substance Act.

As per prosecution case, F.I.R. named accused persons including petitioner as well as 20-25 unknown persons exploded the police jeep by causing blast of landmine killing six police persons and one civilian.

Learned counsel for the petitioner submits that



petitioner is in custody since 24.02.2023. Petitioner bears no criminal antecedent. Learned counsel orally submits that charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is innocent and has committed no offence as alleged in the F.I.R. Petitioner has no concern with the alleged occurrence. No incriminating article has been recovered from the possession of the petitioner or from the house of the petitioner. Petitioner has been implicated in this case merely on suspicion. Learned counsel further submits that co-accused Bhola Yadav, Hiranman Yadav alias Hira Yadav and Chhotu Ravidas have already been granted bail vide Cr. Misc. No. 33433 of 2018, Cr. Misc. No. 51823 of 2018 and Cr. Misc. No. 6232 of 2017 respectively by co-ordinate benches of this Court and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean



antecedent of the petitioner, co-accused persons have already been granted bail, charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence as submitted, co-accused persons have already been granted bail and also taking into consideration the material available on record, 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 Judicial Magistrate 1st Class, Sherghati at Gaya in connection with Raushanganj P.S. Case No. 10 of 2013, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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