

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32442 of 2023**

Arising Out of PS. Case No.-34 Year-2013 Thana- CHANAN District- Lakhisarai

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PANKAJ KUMAR YADAV @ PANKAJ YADAV S/O BHUNNA YADAV @
MANNU YADAV @ BHUUNESHWAR YADAV R/O Village- Garhi
Maheshpur, P.S- Piri Bazaar, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

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

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

3 27-07-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Chanan P.S. Case No. 34 of 2013 registered for the offence

under Sections 147, 148, 149, 307 and 427 of the Indian

Penal Code and Sections 3/4 of the Explosive Substance Act

and Section 16, 18(b) and 20 of the UAP Act.

According to the prosecution, when the police

reached near main road at Jamui Mananpur, they heard

noise of bomb explosion and they saw that a 4 feet round

ditch was made for killing the police force and snatching

their arms and ammunicions.

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 allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that on bare perusal of the F.I.R. and the seizure list, it appears that nothing has been recovered from the possession of the petitioner. Moreover, co-accused, Dharmendra Kumar Das @ Dharo, Mantu Kora and Fantush Yadav @ Fantush Das having more or less similar allegation have already been granted bail by a co-ordinate Bench of this Court vide order dated 17.01.2019, 09.03.2021 and 09.09.2021 passed in Cr. Misc. No. 79941 of 2018, Cr. Misc. No. 1588 of 2021 and Cr. Misc. No. 34983 of 2021 respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 28.05.2019.

A report with regard to present stage of the trial has been called for by this Court vide order dated 28.06.2023, which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that the charge has been framed against the petitioner on



27.06.2023 and the prosecution has not examined any witness as yet.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 28.05.2019 i.e more than one year.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five 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 Additional Chief Judicial Magistrate-1st, Lakhisarai in connection with Chanan P.S. Case No. 34 of 2013 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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