

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30683 of 2022

Arising Out of PS. Case No.-117 Year-2016 Thana- ROSHANGANJ District- Gaya

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Kundan Yadav @ Brahmdeo Yadav @ Sahdeo Yadav @ Kundan Jee Son of
Ramchanra Yadav, R/o Village- Chak Adauria, P.S.- Manatu, District- Palamu,
State- Jharkhand.

... .. 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. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 120(B), 121,
121(A), 35, 307 of the Indian Penal Code, Sections 3, 4, 5 of
Explosive Substance Act, Section 27 of Arms Act, Section 17 of
C.L.A. Act and Section 13, 16, 18 and 20 of U.A.P.A. Act.

According to prosecution case, in brief, is that the
informant A.S.I. Sanjay Paswan P.S. Bankeybazar, got
confidential information that a big group of Naxals are
complying in Raushanganj Chhakarbandha forest to commit a



big occurrence. On that very information, several para military forces were constituted and surrounding the aforesaid place and give order to surrender the Naxals but they started heavy firing, exploding bombs and I.E.D. Para military forces also started firing in his save their life. Some Naxals were sustained injuries. Heavy quantity of arms, explosive, uniforms and other things were seized from the hide out.

Despite of opportunity given to the learned counsel for the petitioner to file supplementary affidavit but no supplementary affidavit has been filed.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner and petitioner has been remanded in this case on 09.03.2021 and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries fifteen criminal antecedents other than the present one and huge number of arms and



ammunition have been recovered from the place of occurrence.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Raushanganj (Bankey Bazar) P.S. Case No. 117 of 2016 pending in the court of learned Additional Chief Judicial Magistrate, Sherghati, Gaya.

Prayer is refused.

(Rajesh Kumar Verma, J)

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