

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48328 of 2023**

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

ABHAY YADAV @ GOVIND YADAV @ ABHAY JEE @ GOVIND JEE  
S/O KULDEEP YADAV R/O Village- Ban Manjhauli, P.S.-Dhibra, Dist.-  
Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      09-08-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Raushanganj (Bankeybazar) P.S. Case no.93 of 2016 registered under sections 302, 307, 147, 148, 149, 342, 326, 353, 414, 332, 333, 121A, 122 and 124A of the Indian Penal Code, sections 25(1A), 25(1AA), 26, 27(3) and 35 of the Arms Act, sections 16(1)(a), 20 and 38 of U.A.P.A. Act, section 17 of the C.L.A. Act and sections 3 and 4 of the Explosive Substance Act.

3. The earlier prayer for bail of the petitioner was rejected vide order dated 13.9.2021 passed in Cr. Misc. no.12447 of 2021 and order dated 9.11.2022 passed in Cr. Misc. no.48510 of 2022.



4. As per the prosecution case, in firing between the naxalites and the police personnel, 10 police personnel lost their life. In course of enquiry, the name of the petitioner transpired.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The earlier application for bail of the petitioner was rejected vide order dated 13.9.2021 passed in Cr. Misc. no.12447 of 2021 and order dated 9.11.2022 passed in Cr. Misc. no.48510 of 2022. In spite of the petitioner having remained in custody since 28.2.2018, there is no chance of the trial concluding in the near future in view of the fact that charges have been framed only on 10.1.2023. The petitioner undertakes to cooperate in the trial.

6. Heard learned A.P.P. for the State.

7. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R., charges having been framed against this petitioner in the learned trial Court on 10.1.2023 which would be evident from Annexure-3 series together with the petitioner having remained in custody for more than five years since 28.2.2018, the Court directs the petitioner to be enlarged on bail in connection with Raushanganj (Bankeybazar) P.S. Case no.93 of 2016 on furnishing bail bond of Rs.10,000/ (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati, Gaya.

**(Partha Sarthy, J)**

Saurabh/-

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