

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56943 of 2022

Arising Out of PS. Case No.-196 Year-2017 Thana- AMAS District- Gaya

Mithilesh Yadav @ Pahalwan Jee @ Awdhesh Yadav @ Awadhesh Yadav Son
of Late Ramdhani Yadav, Resident of Village- Chabura, Tola- Narainpur, P.S.-
Anti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manisha Prakash, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Amas P.S. Case No. 196 of 2017, lodged under Sections 147, 148,
149, 323, 341, 342, 427, 435, 436, 440, 504, 506, 120(B) of the
Indian Penal Code, Section 3/4 of the Explosive Substance Act,
1908 read with Section 13, 16, 18, 19, 20 & 38 of the UAPA Act,
1967.

As per prosecution case, the allegation is that a group of
accused persons belonging to Naxalide group attacked on the
Sawkala Power Plant at Gaya taking the employees as hostage on
gun point, thereafter, placed deteriorator and exploded the
construction of the plant.



Learned counsel for the petitioner submits that F.I.R. has been lodged against unknown criminal more than 40 but subsequently name of 95 persons have been figured during investigation. He further submits that petitioner was not put on T.I.P. He also submits that the other similarly situated co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 07.02.2022 passed in Cr. Misc. No.58813 of 2021, order dated 28.02.2022 passed in Cr. Misc. No.31658 of 2018 & order dated 19.07.2018 passed in Cr. Misc. No.37036 of 2018. He further submits that petitioner is in custody since 26.04.2022 and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail and submits that petitioner having criminal antecedent and if bail shall be granted to him, he may create hindrance in trial.

In the present facts and circumstances of this case and the submissions made above and with a view to maintain parity, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati at Gaya in connection with Amas P.S. Case No. 196 of 2017, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following



conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

It is made clear that if petitioner is involved in such type of crime again, the prosecution shall be at liberty to move for cancellation of bail bonds of petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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