

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3290 of 2023

Arising Out of PS. Case No.-39 Year-2019 Thana- BARHARA KOTHI District- Purnia

Akhilesh Yadav @ Akhilesh Kumar Yadav @ Akhilesh Kumar S/o Late Shiv Kumar Yadav R/o Village- Maujampatti, P.S.- Barhara (Raghunathbansh Nagar O.P.), Distt- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection with Barhara (Raghubansh Nagar O.P.) P.S. Case No.39 of 2019 instituted under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 506, 120B and $\frac{3}{4}$ of the Explosive Substance Act and 27 of the Arms Act.

The allegation in the FIR is that the informant's father was invited to inaugurate an agricultural programme on the occasion of 'Sarswati Pooja'. After inauguration, as he sat on his vehicle to return to his village, it is alleged that a white Scorpio reached the place and the accused persons variously armed resorted to indiscriminate firing. Specific allegation has been made against accused Dilip Yadav, Akhilesh Yadav (the



petitioner herein) and Bhushan Yadav that they exploded bombs as a result whereof the left leg of the father of the petitioner blew away and others also sustained injuries. Subsequently, the father of the informant succumbed to his injuries.

The petitioner has renewed the prayer for bail vide Cr. Misc. No.66517 of 2021.

A report was called for in the matter and according to which the Sessions Trial No.297 of 2019 is fixed for framing of the charges.

Learned counsel for the petitioner submits that allegation was against Dilip Yadav, Akhilesh Yadav @ Akhilesh Kumar Yadav @ Akhilesh Kumar (the petitioner herein) and Bhushan Yadav that they exploded bombs. It is his submission that both Dilip Yadav and Bhushan Yadav have subsequently been granted the privilege of bail and had provided a copy of Cr. Misc. No.5538 of 2022 to show that Bhushan Yadav has been granted the relief by a coordinate bench of this Court on 30.11.2022. The further submission is that Bhushan Yadav was also having five criminal antecedents as this petitioner have.

Learned APP on the other hand opposes the prayer for anticipatory bail but concede that similar situate Bhushan Yadav has been granted the relief.



Taking into account aforesaid facts as also that similar placed Bhushan Yadav has been granted relief, as stated above, this Court is inclined to extend him privilege of bail with conditions.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Barhara (Raghubansh Nagar O.P.) P.S. Case No.39 of 2019 to the satisfaction of learned A.D.J-9, Purnea, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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