

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80555 of 2023

Arising Out of PS. Case No.-87 Year-2018 Thana- KHAIRA District- Jamui

Darogi Yadav S/O Bodhan Yadav Village- Dudhania, P.O. And Ps. Sano, Dist.
Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar, Advocate
	:	Mr. Abhay Kumar, Advocate
For the Opposite Party/s	:	Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 8 26-07-2024 1. Heard the learned counsel for the petitioner and the learned APP for the State.
2. This Court had called for a report regarding stage of the trial and the learned Trial Court has submitted the report stating that charge has been framed against the petitioner and others on 16.03.2024 and there are altogether 08 chargesheet witnesses and summons have been issued to them.
3. The petitioner seeks regular bail in connection with Khaira PS case no. 87 of 2018 instituted for the offences punishable under Section 302/34 of the Indian Penal Code, 27 of Arms Act and Sections 16, 17, 18, 19, 20, 21, 22 of U.A.P. Act.
4. The allegation, as per First Information Report, is that police found a dead body of one Dinesh Yadav, lying by the road side. Besides the dead body, two pamphlets were also found,



left by the Naxalite group stating that they have taken revenge of arrest of one SurajYadav and deceased has been given the death sentence by the Jan Adalat. 09 persons including the petitioner are named in the F.I.R.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case with oblique motive by the police. Learned counsel further submits that the petitioner has been made accused in altogether 30 cases of almost similar nature. The petitioner has been branded as Naxallites by the police due to village politics. In some cases, the petitioner has yet not been remanded, for which, the petitioner has filed criminal writ application before this Court. He next submits that in this case, the petitioner has been remanded on 10.11.2022 and is in custody since then. He also submits that co-accused persons namely Sakindar Yadav, Rakesh Marandi and Jagdish Pandit have been granted bail by this Court vide order dated 16.05.2018 passed in Cr. Misc. no. 29287 of 2018, order dated 26.03.2019 passed in Cr. Misc. no. 16093 of 2019 and order dated 11.01.2021 passed in Cr. Misc. no. 28510 of 2020, respectively. Lastly, it is submitted that petitioner is also acquitted in some of the cases.

6. On the other hand, learned APP for the State has vehemently opposed the prayer for bail. Referring to case diary, learned counsel submits that during the course of investigation, the



name of the petitioner has transpired and the petitioner is named in the F.I.R. also. Co-accused Sakindar Yadav, in his confessional statement, has described the role of the petitioner in the killing of deceased Dinesh Yadav. Sakindar Yadav, who has been granted bail by this Court, was not having any criminal antecedent whereas the petitioner is having 29 to 30 criminal antecedents and he is a ranked naxallite.

7. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is a habitual offender and altogether 29-30 cases are pending under U.A.P. Act and also under other sections, I am not inclined to grant bail to the petitioner, at this stage, accordingly, the same is rejected. However, the petitioner is at liberty to renew his prayer for bail after one year, if the trial does not record any substantial progress.

(Anil Kumar Sinha, J)

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