

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27863 of 2025

Arising Out of PS. Case No.-69 Year-2013 Thana- ROSHANGANJ District- Gaya

Badhan Yadav @ Bihari Yadav @ Badhan @ Badhan Jee, son of Late Jogi Yadav, resident of Village- Nawada, PS- Roshanganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner seeks bail in connection with Roshanganj P.S. Case No. 69 of 2013, registered for the alleged offences under Sections 147, 148, 149, 353, 120(B), 121, 122, 124(A) of the Indian Penal Code , Sections 25 (1-B)A, 26 of the Arms Act, Section 17 of Criminal Law Amendment Act, Sections 3, 4, 5 of Explosive Substance Act and Sections 13, 16, 17 and 18 of UAP Act.

03. As per prosecution case, on getting information about *Naxalites* hiding at certain places, raid was conducted and three co-accused persons were apprehended, who disclosed the name of this petitioner and 13 other co-accused persons and 20-25 other unknown *Maowadies* who fled away from the spot. At



the instance of the apprehended co-accused persons, recovery of huge cache of arms and ammunition, grenade, charger etc. were made.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Except for confessional statement of the co-accused persons against the petitioner, there is no material to connect the petitioner with the offences as alleged. Nothing incriminating has been recovered from the petitioner. There is no specific allegation against the petitioner for waging or attempting to wage war against the government or collecting arms. The co-accused persons, who were apprehended from the spot have been granted regular bail vide order dated 24.03.2014 passed in Cr. Misc. No.7165/2014. The case of the petitioner is on much better footing. The petitioner is having antecedent of three cases and he is on bail in one of these cases. The petitioner is in custody since 30.04.2024 and charge sheet has been submitted.

05. Learned APP vehemently opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the grant of bail to other co-accused persons and further considering



the submission of charge sheet and period of custody of the petitioner, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Shershati, Gaya, in connection with Roshanganj P.S. Case No. 69 of 2012, subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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