

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85353 of 2024

Arising Out of PS. Case No.-382 Year-2018 Thana- KHAIRA District- Jamui

Darogi Yadav @ Bahera Son of Bodhan Yadav Resident of Village-
Dhghaniya, P.S.- Sono, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2025 Heard Mr. Man Mohan Kumar learned counsel for
the petitioner and Mrs. Pushpa Sinha, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
24.12.2021 in connection with Sessions Trial No. 677 of 2022
with 720 of 2022 arising out of Khaira P.S. Case No. 382 of
2018, F.I.R. dated 27.09.2018 for the offences punishable under
Sections 147, 121(a), 122, 124(a), 120(b) and 34 of the Indian
Penal Code, Sections 3, 5 and 6 of the Explosive Substance Act
and Sections 16, 17, 18, 19, 20, 21 and 22 of the U.A.P Act.

3. According to prosecution case, this petitioner being
the leader of the organization which includes naxali members
were preparing for war against the administrative power and
several explosive substance was also found by the police from



the mountain caves.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that it appears from the F.I.R itself that on the basis of suspicion the name of the petitioner has been implicated in the present case and except suspicion no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Naresh Yadav has been granted bail by this Court vide order dated 22.04.2022 passed in Cr. Misc. No. 66236 of 2021. The petitioner is in custody since 24.12.2021.

5. Vide order dated 21.01.2025 a report was called with regard to present stage of trial. Report of the learned Trial Court dated 29.01.2025 reveals that the charge has been framed against the petitioner and other accused persons on 29.03.2023 and the prosecution has not adduced any evidence in the present case.

6. Learned counsel for the petitioner submits that in



view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the petitioner is in custody since 24.12.2021 more than 3 years and the co-accused has been granted regular bail by this Court.

7. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the petitioner carries 21 criminal antecedents other than the present one but fairly submits that out of 21 cases, the petitioner is on bail in 11 cases and rest 10 cases are pending for consideration before the learned Court below.

8. Considering the aforesaid facts and circumstances, report of the learned Trial Court as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V, Jamui in connection with Sessions Trial No. 677 of 2022 with 720 of 2022 arising out of Khaira P.S. Case No. 382 of 2018, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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