

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46634 of 2015

Arising Out of PS.Case No. -41 Year- 2014 Thana -ALIPUR District- GAYA

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Ram Binay Yadav @ Binay Yadav @ Rambinay Yadv Son of Ragho Yadav
resident of village - Agar, P.S. Alipur, District - Gaya (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan

For the Opposite Party/s : Mr. Md.Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 20-07-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner is languishing in custody since 27.07.2014 in connection with Alipur P.S.Case No.41 of 2014 for the offences under Sections 121(A), 384 of the I.P.C. and 17 of Cr.L.A. Act. This is the second attempt on behalf of the petitioner for grant of bail.

The prosecution case, in brief, is that on receipt of confidential information on 26.07.2014 that the petitioner being the Zonal Commander of M.C.C., Ram Vinay Yadav along with his associates, Rajesh Yadav @ Bichha, Munna Singh @ Munna Rawani and others was roaming in the village in order to realize levy from contractors and chimney owners for Bhapka Maoist



organization, the informant along with other police personnel reached village- Agar and surrounded accused persons. It is further alleged that earlier Plant Machine of contractors were set on fire on account of non-payment of levy. On seeing the police party all the accused persons started fleeing away but on chase this petitioner was apprehended by the police and other two co-accused persons succeeded in fleeing away. On search of the pocket of this petitioner various papers containing literature relating to Maoist organization, various mobiles, cash Rs.37,680/- were recovered and seizure list was prepared. On query the petitioner stated that the said cash was realized from the different contractors by way of levy for his organization.

The earlier bail application of the petitioner was rejected vide Cr.Misc.No.43480 of 2014 dated 27.01.2015 directing the court below to expedite the trial.

Vide order dated 22.6.2016, a fresh report was called for in respect to stage of the case. The same is kept at flag 'C'. It appears from the report that only two witnesses have been examined in the present case and since then the case is pending for the appearance of the prosecution witnesses.

On behalf of the petitioner it has been submitted that the petitioner is in custody since 27.07.2014, i.e., approximately

for two years and there is no chance of the trial being concluded in near future. The petitioner has been made accused in this case due to village politics.

On behalf of the State it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Judicial.Magistrate, 1st Class, Gaya, in Alipur P.S. Case No.41 of 2014.

(Sudhir Singh, J)

AnilKrSinha/-

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