

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38754 of 2017

Arising Out of PS.Case No. -173 Year- 2011 Thana -ATRI District- GAYA

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Ram Lakhan Yadav @ Vidhayak Jee Son of Mahesh Yadav, R/o Village-
Nawada, P.S.- Dulhin Bagar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Rajeev Nayan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 09-10-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
14.07.2016 in connection with Atri P.S. Case No.173 of 2011
registered for the offence punishable under Section 307 and other
allied Sections of the Indian Penal Code, Sections 25(1-b)a, 27 of
the Arms Act and Sections 13 and 16 of the Unlawful Assembly
Prevention Act.

The prosecution case, as lodged by the informant, is
that police personnel on information that 15 – 20 Maoists had
assembled at village-Nandiha to commit crime, encircled them and
asked them to surrender but they resorted to firing. Thereafter the
police also counter fired. When firing was over one extremist was



found dead lying near the house of Raj Deo Paswan and a country made single barrel gun was recovered from the place of occurrence. The petitioner was stated to be Sub Zonal Commander of Maoist Organization.

It has been submitted by the learned counsel for the petitioner that he is innocent. Firing was resorted from both sides but whose firing hit one person who succumbed to his injury it is not mentioned in the F.I.R. He submits that nothing has been recovered from his conscious possession and that charge sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating that as many as three criminal cases are pending against him and that he belongs to Maoist group.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, in connection with Atri P.S. Case No.173 of 2011, subject to the conditions that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the



concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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