

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36824 of 2017

Arising Out of PS.Case No. -20 Year- 2013 Thana -DUMARIA District- GAYA

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Pradeep Yadav @ Pradeep Jee Son of Ganesh Yadav, R/o Village- Kubal,
P.S.- Naudiha Bazar, District- Palamu (Jharkhand).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahtab Alam, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
24.12.2016 in connection with Dumariya P.S. Case No. 20 of 2013
registered for the offence punishable under Sections 147, 148,
149, 332, 333, 353, 307 and 120(B) of the Indian Penal Code,
Section 27 of the Arms Act, Sections 10,11, 13(i) and 13(ii) of the
Unlawful Activities of Prevention Act and Section 17 of the
Criminal Law Amendment Act.

The prosecution case, as lodged by the police
personnel, is that on information that many Maoists had assembled
near a hill, they proceeded for the place of occurrence and when



they reached there, Maoists started firing and thereafter police also resorted to firing. The informant named the petitioner on the basis of conversation and shouting of the members of the Maoists during the course of firing.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been implicated in the aforesaid case merely because he has a criminal antecedent. He submits that neither he was apprehended on the spot nor anything has been recovered from his possession and is languishing in judicial custody for about nine months. He submits that charge-sheet has already been submitted and the other accused named in the First Information Report have since been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 31112 of 2015 on 18.08.2015 and Cr. Misc. No. 27340 of 2016 on 18.07.2016 on similar allegations. He submits that it is most improbable that during course of counter firing the names of the persons could be heard.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner has a criminal antecedent.

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 Sub-Divisional Judicial Magistrate, Sherghati, Gaya in connection with Dumariya P.S. Case No. 20 of 2013, subject to the condition that one of the bailors would be close relative or parent of the petitioner.

(Nilu Agrawal, J.)

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