

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24792 of 2017

Arising Out of PS.Case No. -50 Year- 2013 Thana -SALAIYA District- AURANGABAD

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1. Ram Pravesh Yadav Son of late Rajeshwar Yadav Resident of Village-
Raja Bigha Police Station-Salaiya, District- Aurangabad(Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 21-07-2017 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection with
Salaiya P.S. Case No. 50 of 2013 registered for the offences
punishable under Sections 147, 148, 149, 353, 307, 384, 420,
120-B and 124-A of the Indian Penal Code and Section 27 of the
Arms Act and Section 17 of the C.L. A. Act.

The informant of the above case is SHO of Salaiya
Police Station. In his self statement, he has stated that he got
secret information that few persons in a Bolero vehicle bearing
registration BR 2P 8604 were scheduled to go through Raja
Bigha in order to realize levy from the company which was
engaged in installing pole for onward payment to sub zonal
commander of MCC outfit namely, Ram Prawesh Yadav (this



petitioner). The informant along with police party reached at the destination where extremists squad opened fire on police party and disappeared towards hill. The driver of said Beloro was however apprehended along with two others sitting in the vehicle. The driver on interrogation disclosed his name and also the name of two other occupants. The police recovered Rs. 75000/- and other articles from the occupants of the vehicle, namely, Brajesh Kumar and Ganeshan, who were employees of the company. On query, these persons disclosed that the said money was given by the Manager of the Company for making payment to this petitioner as levy.

It has been submitted that the petitioner was neither apprehended at the spot nor there is any material to show that he was / is associated with any extremist organization. The petitioner has been named by the police with ulterior motive. One of the co-accused namely, Amerndra Gautam has been allowed bail by one of the co-ordinate Bench of this Court in Criminal Miscellaneous No. 9124 of 2014. The petitioner has neither been put on T.I.P. nor any witness has supported the allegation of involvement of this petitioner in collecting levy. The petitioner was arrested in connection with Madanpur P.S. Case No. 155 of 2016 and was remanded on 23.12.2016. The petitioner remained



in custody for a considerable period for no fault of his own and so, he deserves to be enlarged on bail.

The learned APP Opposed the submissions. It was submitted that the petitioner is the main accused and active member of extremist organization with criminal antecedent of more than 40 cases and so, he does not deserve bail.

On perusal of this application and case diary, I find that there is specific allegation that he is the leader of extremist association known as sub- zonal Commander of MCC. The police apprehended three persons with the money on the vehicle, who disclosed the purpose of their presence at the place of occurrence. They have stated that the money was given for giving the same to this petitioner. The petitioner's criminal antecedent mentioned at paragraph 3 of this application shows that the petitioner is accused in as many as 40 cases of serious nature.

Considering the involvement of this petitioner in collecting levy from the companies involved in development work and also his criminal antecedent, I am not inclined to grant him bail. Therefore, his prayer is rejected.

(Sanjay Kumar, J)

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