

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41166 of 2018

Arising Out of PS.Case No. -143 Year- 2016 Thana -PARAIYA District- GAYA

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Ravindra Yadav @ Prateek Jee, Son of Late Sudarshan Yadav, Resident of
Village- Chhatarpur, Police Station- Imamganj, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 08-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 01.11.2017 passed in Cr. Misc. No.
38374 of 2017.

Petitioner is languishing in judicial custody since
14.02.2017 in connection with Paraiya P.S. Case No. 143 of 2016
for offences punishable under Sections 387/34 of the Indian Penal
Code and 17 C.L.A. Act.

The prosecution case, as lodged by the informant being
in-charge of Rakesh Construction Pvt. Ltd., is that on 23.01.2016
four persons came and gave a letter asking the contractor to meet
them as they were members of Naxalite group. Thereafter the



contractors were called telephonically to meet the T.S.P.C. naxalite chief.

It has been submitted by the learned counsel for the petitioner that he is innocent, telephonic call of T.S.P.C. naxal chief Prateek Jee i.e. the petitioner was not made from his telephone and just because he has criminal antecedent, he has been made accused. He submits that no T.I. Parade has been done so far, no overt act has been committed and even the trial has not commenced in spite of the fact that the petitioner is languishing in judicial custody since more than one year five months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is accused of eight cases and most cases shows his involvement with the naxal group.

In this regard, a report was called for from the court of the Judicial Magistrate 1st Class, Gaya. From perusal of the report, it appears that although charges have been framed but none of the witnesses have appeared and the matter is pending at evidence stage.

Considering the facts and circumstances and the materials on record and the period of custody, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Paraiya P.S. Case No. 143 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required 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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