

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70523 of 2019

Arising Out of PS. Case No.-1 Year-2014 Thana- AMAS District- Gaya

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KAIL PRAJAPAT @ KAIL PRAJAPATI @ AKASH JEE Son of Indradeo
Prajapati Resident of Village - Ajan, P.S.- Goh, Dist.- Aurangabad.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Kiran Sinha, Advocate.

For the State : Mr. Arun Kumar Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 27-02-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Amas P.S.
Case No.1 of 2014 registered under Sections 302/34 of the
Indian Penal Code besides Section 27 of the Arms Act and
Section 17 of the C.L.A. Act.

The accusation is that on receiving the information
from one Basant Narayan at Amas Police Station about killing
of two persons by gun shot and lying their dead bodies near
Baghmarba Ghati, the informant along with other police
personnel reached there and saw two dead bodies. On the two
dead bodies, papers were pasted. On the paper of one dead
body, the name was written as Laxman Parahiya, whereas on the



paper of another dead body, the name of Ram Pravesh Prasad was written. One slip was also found there, in which the slogans of extremist was written. Thereafter, Ramesh Prasad identified one dead body as of his brother Ram Pravesh Prasad, while another dead body was identified as of Laxman Parahiya of village-Dumri. In course of query from the family members of both the deceased, it came to light that both the deceased and three others, namely, Satyendra Prasad, Surendra Yadav and Pravesh Bhokata were taken by Abhay alias Govind Yadav, Zonal Commander of Naxalites and 21 others including the petitioner and 20-25 unknown extremists.

Learned counsel for the petitioner submits that, in fact, the petitioner has been made accused in 14 other cases of similar nature, as detailed in paragraph-3 to this application, due to that reason, the petitioner has falsely been implicated in this case. The petitioner is in custody since 30.08.2017. Except suspicion against the petitioner, no tangible material has come against the petitioner, in course of investigation, to show his involvement in the present case. Further submission is that the similarly situated co-accused Lakshman Yadav has already been granted the privilege of bail by a Bench of this Court vide order dated 26.10.2016 passed in Criminal Misc. No.35343 of 2016.



Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, First Class, Sherghatti, District-Gaya, in connection with Amas P.S. Case No.1 of 2014. Out of the two sureties, one must be either parents or the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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