

Pradeep Yadav Vs. The State of Jharkhand

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Court : Jharkhand

Decided On : Jun-19-2017

Appellant : Pradeep Yadav

Respondent : The State of Jharkhand

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI B. A. No. 4265 of 2017 --- Pradeep Yadav son of Ashok Kumar Yadav resident of Village Bohara, PO & PS Poreyahat, District Godda Petitioner Versus The State of Jharkhand Opposite Party --- CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY --- For the Petitioner : M/s. Rajendra Krishna & Jay Shankar Prasad, Advocate For the Opposite Party : Mr. Ajit Kumar, AAG --- 6/19.06.2017 Heard Mr. Rajendra Krishna, learned counsel appearing for the petitioner and Mr. Ajit Kumar, learned A.A.G. for the State. The petitioner is an accused in connection with Godda (M) No. 37 of 2017. It has been alleged in the FIR that a general meeting was being conducted on 05.03.2017 on the issue of environment for establishment of 1600 MW power plant by Adani Power. The hearing got concluded on 12:05 P.M. and when the people started going out from the premises, then this petitioner along with his supporters provoking the common villagers and telling them to oppose the meeting, prompted his supporters to prevent the government officials from discharging their duty and subsequent thereto about 150-200 supporters of the petitioner started pelting stones as a result of which they had a law and order problem. The police resorted to tear gas shelling and on account of the incident

several police personnel sustained injuries and government vehicle were also damaged. It has been submitted by the learned counsel for the petitioner that the petitioner has falsely been implicated in the present case and only on account of grudge, the petitioner has been alleged to have instigated the mob. Learned counsel submits that all the allegations are by way of an after thought. It has been stated that the compensation for acquisition of the land was reduced by the government, thus depriving the owners of the land whose livelihood is dependent on agricultural produce. It has been stated that by stifling the voice of the general public, the government was taking the steps for transferring the land to Adani Group by depriving the land owners and on protest made by the petitioner, the -2- incident has been blown out of proportion. Learned counsel submits that the petitioner is in custody since 22.04.2017. Learned counsel has stated that two of the co-accused persons who were apprehended on the spot namely, Dharmendra Kumar Rai @ Dharmendra Kumar Roy and Kailash Mandal have been granted bail by this court vide B. A. No. 4307 of 2017. Mr. Ajit Kumar, learned A.A.G. opposing the prayer for bail of the petitioner has referred to the case diary and has stated that several witnesses have categorically stated about the instigation made by the petitioner which resulted in pelting of stones and creating huge law and order problem. Learned Additional Advocate General has also referred to the statement of the Deputy Superintendent of Police (Headquarters) which is reflected in paragraph 23 of the case diary by stating that the petitioner had tried to press the neck of Dy.S.P. and he was somehow saved by some other officials. Learned A.A.G. adds that on account of unnecessary agitation created by the petitioner, development work is being hampered. He states that preventing the government from discharging its functions towards the people has become a social evil and the petitioner having taken an active part in the incident does not deserve bail. Furthering his argument, he has referred to 5 cases which are pending against the petitioner to suggest that the petitioner is involved in preventing doing developmental work. It appears from a perusal of the case diary that several paragraphs of the same consistently refer to the predominant role played by the petitioner in creating a law and order problem as well as preventing the government authorities to function. Paragraph 23 of the case diary contains the statement of Dy.S.P. (Hq), Godda who has alleged against the petitioner of

trying to press his neck, but he was somehow saved by the other persons. Paragraphs 42, 45 & 46 contains the statement of Block Development Officers of various blocks who have also stated about the instigation given by the petitioner after the meeting had peacefully ended. Similar is the statement of the District Animal Husbandry Officer as contained in paragraph 47 of the case diary. Paragraphs 15, 24, 31, 35 & 38 of the case diary also contains the statement of the witnesses regarding the instigation made by the petitioner which resulted in pelting of stones. The injury reports are contained in paragraphs 234, 235, 236, 240 & 242 of the case diary. -3- The sum and substance of the statement of witnesses examined in course of investigation does reveal the active role of the petitioner who being a local MLA had threatened and disrupted the meeting and on his instigation his supporters pelted stones injuring several persons and destroying government vehicles. If the petitioner was indeed aggrieved with the reduction of the rate for the lands to be acquired, he being the local MLA should have raised his grievance before an appropriate forum instead of taking law in his own hands and creating a law and order problem. Instead of showing restraint, the petitioner provoked his supporters resulting in the incident. Although two of the co-accused persons have been granted bail by this court, but the petitioner cannot equate his case with those persons, as it was solely at the instance, instigation and provocation of the petitioner being a Member of the Legislative Assembly, the incident had taken place. The petitioner also has criminal antecedents being Godda P. S. Case No. 37 of 2017, Poraiyahat P. S. Case No. 53 of 2017, Poraiyahat P. S. Case No. 54 of 2017, Poraiyahat P. S. Case No. 56 of 2017 and Poraiyahat P. S. Case No. 57 of 2017. Thus, on consideration of the aforesaid facts, I am not inclined to release the petitioner on bail and accordingly, the prayer for bail of the petitioner is hereby rejected, at this stage. (Rongon Mukhopadhyay, J) R. Shekhar Cp 3