

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36264 of 2015

Arising out of PS.Case No. -4 Year- 2015 Thana -ADHAURA District- BHABHUA (KAIMUR)

Chandrama Yadav, Son of Mus Yadav, resident of village - Khardiha, P.S. Bhagwanpur, District - Kaimur (Bhabhua)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ram Nath Singh Yadav, Advocate.

For the Opposite Party : Mr. Ram Bachan Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 26.01.2015 in connection with Adhaura P.S. Case No. 04 of 2015 for the offences instituted under Sections 34 of the Explosive Substance Act, 17 of the C.L.A. Act and 10/13 of the Illegal Activity Act.

The prosecution story, in brief, is that on the alleged date of occurrence, the informant got information that the petitioner is accused of Adhaura P.S. Case No. 07/2012 has stayed at Village- Khardiha, P.S. Bhagwanpur. On the basis of the confidential information, the police party visited and arrested the petitioner. A



Purcha supporting the Naxalite was recovered from the pocket of the petitioner and the petitioner accepted this fact that explosive substance has been kept on the Lohara Road. On the basis of identification of the petitioner, the explosive substance was recovered from the road. The petitioner had fixed the explosive substance on the road with the help of his associates for explosion for illegal purpose. On the basis of the fardbeyan, the police registered the case against the accused person and made a prayer to remand the petitioner in jail.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.01.2015 and the charge sheet has been submitted in the case. The petitioner has been made accused due to mistake of fact. In fact, there is no recovery from conscious possession of the petitioner.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and on confession of the petitioner, explosive substances are said to have been recovered and the petitioner is a member of Moist.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Adhaura P.S. Case No. 04/2015, pending in the court of the learned C.J.M., Kaimur at Bhabua. Anyhow, the Trial Court is

directed to expedite the trial and conclude the same preferably within a period of nine months from the date of receipt/production of copy of this order.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

