

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15728 of 2015

Arising Out of PS.Case No. -2 Year- 2005 Thana -SONO District- JAMUI

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Naresh Yadav Son of Dharam Yadav Resident of Village- Bishunpur, P.S
Sono (Charkapathar), District- Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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With

Criminal Miscellaneous No.15833 of 2015

Arising Out of PS.Case No. -2 Year- 2005 Thana -SONO District- JAMUI

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Kolha Yadav Son of Darogi Yadav Resident of Village - Bishunpur, P.S.
Sono (Charkapathar), District Jamui.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

(In Cr.Misc. No.15728 of 2015)

For the Petitioner : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party: Dr. Indiar Kumari, APP

(In Cr.Misc. No.15833 of 2015)

For the Petitioner : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party: Dr.Indiar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-06-2015 The petitioners of both these applications are languishing in custody since 11.12.2012 and 11.10.2012, respectively, in connection with Sono (Charkapathar) P.S. Case No.02 of 2005 for the offences instituted under Sections 147, 148, 149, 353, 307, 414 and 121 of the Indian Penal Code and Sections 25 (1-b) A, 26 and 27 of the Arms Act, Section 3/5 of the Explosive Substances Act and Section 17 of the C.L.A. Act

Heard learned counsel for the petitioners and learned counsel for the State.

The prosecution story, in brief, is that the informant got secret information that a terrorist camp was running in village Kurmuriya situated in Pahar Baba Jungle. He also got information that they are the terrorists who had killed S.P. Munger, Surender Babu and other police personnel by exploding land mines. A raiding party was organized including S.P. Jamui and S.P. Munger. The place of occurrence was raided. The members of raiding party saw 20-25 persons in police uniform who were equipped with fire-arms. Having seen the police party, they opened indiscriminate firing, targeting the police personnel. The police party also opened in self defence. After some times the miscreants began to flee away. They were chased by police party and two of them were apprehended. They disclosed their names 'Bhola Thakur @ Bhupal Thakur' and 'Mangal Rai @ Bhun Chacha. On search, in presence of two independent witnesses, a country made loaded pistol was recovered from possession of Mangal Rai and two live cartridges were recovered from the possession of Bhola Thakur. Huge quantity of incriminating articles including empty cartridge, detonators, pamphlets etc. were recovered from the place of occurrence. The

apprehended miscreants disclosed the names of their associates including the present petitioners. They also confessed their involvement in so many terrorist incidents.

It has been submitted on behalf of the petitioners that no specific allegation has been made against the petitioners and the names of petitioners have come on the confession of the co-accused in course of investigation.

It has been submitted on behalf of the State that the allegation is very serious in nature and the petitioners had attacked a policy party and the exchange of firing was made from both the sides. Further it has been submitted that the case has been instituted under Section 17 of the C.L.A. Act and the petitioners are in custody since 11.12.2012 and 11.10.2012, respectively.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioners. The applications are rejected.

Anyhow, the learned trial court is directed to take all necessary steps for concluding the trial of the present case within a period of nine months as the petitioners are in custody since 11.12.2012 and 11.10.2012, respectively. If the other accused persons in the present case do not cooperate in course of trial,

then the trial court may separate the case of the petitioners and proceed with the trial.

(Sudhir Singh, J)

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