

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1181 of 2014

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Bhim Yadav, Son of Mural Yadav, resident of Village Mircha P.S. Sikandra
District Jamui. Petitioner.

Versus

1. The State of Bihar.
2. The Superintendent of Police, Jamui.
3. The Officer-in-charge, Malaypur, P.S., District - Jamui.
..... Respondents.

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Appearance :

For the Petitioner : Mr. Bachanji Ojha, Adv.
Mr. Umesh Prasad, Adv.
For the Respondents : Mr. Anuj Kumar Srivastava, APP
For the State : Mr. Sujeet Kumar Singh, AC to AAG-10.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

07 26-05-2015 Originally, the petitioner had filed a bail application having been arrested in Mallehpur P.S. Case No.29 of 2013 instituted under Sections-364, 302, 210/34 of the Indian Penal Code. While arguing the bail application it was urged that his detention was illegal. The petitioner was allegedly arrested on 02.09.2013. The bail application was filed in this Court on or about 01.04.2014 being Cr. Misc. No.15564 of 2014. Petitioner was not anxious to argue his bail matter. Then, it was then taken up on 03.06.2014 but he chose not to argue. Thereafter, then the matter was argued the Court ordered for the case diary to be called for. Again the case diary having been received, the petitioner did not seek to argue the case. Thereafter, on 06.08.2014, petitioner argued that his detention was wrong as he was produced in the

Court after delay of two days. Thus, he sought permission and converted the bail application into a criminal writ application challenging his detention as he was not apparently argued further the case diary was returned to the Trial Court.

Today, the petitioner once again argues that his initial detention was illegal. There is nothing on record to show that the petitioner was arrested on 02nd September, 2013 and produced in the Court on 04.09.2013. This point was not even urged before the learned Sessions Judge. In that view of the matter, this point cannot be considered. However, the law is well settled that the validity of the detention is judged when the petition is heard by the Court. Admittedly, the petitioner was arrested in September, 2013 and has been regularly remanded in the case where a charge-sheet has also been filed. Thus, if there was any illegality that has been cured by subsequent remand made in accordance with law. The writ petition as such merits no consideration.

However, learned counsel for the petitioner submits that his application may be considered as application for bail considering that this application was initially filed as a bail application. It is to be noticed that it is upon arrest of the petitioner and his confessional statement made to the police that the body of the kidnapped person was recovered. These facts are sufficient to

deny him bail.

Let the trial be expedited.

Accordingly, the writ petition is dismissed and prayer
for bail is rejected.

(Navaniti Prasad Singh, J.)

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