

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8206 of 2015

Arising Out of PS.Case No. -103 Year- 2014 Thana -SAHKUND District- BHAGALPUR

- =====
1. Sanjeet Yadav @ Sanjay Yadav, son of Jharilal Yadav, resident of Village- Srirampur, P.S.- Akbar Nagar, District- Bhagalpur
 2. Sintu Yadav, son of Arun Yadav, resident of Village- Belsir, P.S.- Shambhuganj, District- Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 13-05-2015

Heard both sides.

The petitioners, two in number, seek bail in a case under Section 302 and other sections of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

The informant alleged that while he and other police officials were on patrolling duty, the criminals fired in which one of the constables received firearm injury and died. On chase, one criminal, namely, Tarni Mandal, was apprehended on the spot. Tarni Mandal disclosed the names of Tipu Yadav @ Topla, Sanjay Yadav @ Sanjit Yadav and Sintu Yadav. Thereafter, Sanjay Yadav @ Sanjit Yadav and Sintu Yadav (the petitioners) were immediately apprehended. Learned counsel for the

petitioners submits that except the confessional statement of the co-accused, there is absolutely no material against the petitioners. The petitioners were apprehended from their house and had the petitioners committed the crime, they would not have been present in their house, that too, on the date of occurrence itself.

It appears that Tarni Mandal was apprehended on the spot and he disclosed the names of the petitioners and his other accomplices .Tipu Yadav @ Topla is said to have made firing.

Considering the facts that the names of the petitioners figured in the case in the confessional statement of a co-accused, who was apprehended on the spot, and, in the cross-firing, one police constable was killed, I am not inclined to enlarge the petitioners on bail in Sahkund P.S. Case No. 103 of 2014. Accordingly, the same is rejected.

The Judicial Magistrate, who is in seisin of the case, is directed to commit the case to the Court of Sessions forthwith and thereupon the learned Sessions Judge shall either himself try the case or transfer the same to any other Additional Sessions Judge, who shall make efforts for conclusion of the trial within nine months from the date of receipt / production of this order.

If the trial is not concluded within the aforesaid stipulated period of time without any fault on the part of the

petitioners, the petitioners may renew their prayer for bail firstly in the trial court itself.

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(Prabhat Kumar Jha, J)