

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 9071 of 2016

Arising out of P.S. Case No. - 85 Year - 2014 Thana - BANGAON District - SAHARSA

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AMIT KUMAR YADAV @ AMIT KUMAR @ AMIT YADAV, Son of
Ramchandra Yadav, Resident of Village - Sakra, Paharpur, P.S. - Simri
Bakhtiyarpur, District - Saharsa

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate

For the Opposite Party : Mr. S. Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-07-2016

Heard both sides.

The petitioner seeks regular bail in S.T. No. 184 of 2015 arising out of Bangaon P.S. Case No. 85 of 2014 registered for the offences punishable under Sections 302 and 394 of the Indian Penal Code and Section 27 of the Arms Act.

The prayer of the petitioner for bail was earlier rejected vide order dated 25.06.2015 passed in Cr. Misc. No. 18400 of 2015.

The learned counsel for the petitioner submits that motorcycle recovered, from the possession of the petitioner, stands in the name of the wife of the petitioner and there is no mark of identification of money recovered from the possession of the petitioner. Similarly, situated two co-accused, namely, Mukesh Yadav and Badri Kumar Yadav @ Rajeev Yadav have already

been enlarged on bail vide order dated 21.04.2014 passed in Cr. Misc. Nos. 3602 of 2015 and 10432 of 2015.

It appears that the case of the petitioner does not stand on the same footing as that of Mukesh Yadav and Badri Kumar Yadav @ Rajeev Yadav. Their names figured in the confessional statement of the petitioner and no recovery was made from Mukesh Yadav and Badri Kumar Yadav @ Rajeev Yadav, but petitioner confessed his guilt and in pursuance thereof, the looted motorcycle and the money were recovered from the possession of the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail and accordingly, the same is rejected.

The trial Court is directed to hold the trial on day-to-day basis and conclude the same within one year from the date of receipt/production of a copy of this order. If the trial is not concluded within the aforesaid period, the petitioner may renew his prayer for bail.

The Superintendent of Police, Saharsa is also directed to ensure the attendance of the prosecution witnesses and get them examined within one year.

(Prabhat Kumar Jha, J.)

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