

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.13334 of 2016**

Arising Out of PS.Case No. -80 Year- 2015 Thana -KOCH District- GAYA

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1. Bhupendra Rajak @ Sanjiwan Baitha Son of Late Bilash Rajak Resident  
of village - Lapura, P.S. - Muffasil, District - Aurangabad. .... Petitioner

Versus

1. The State of Bihar. .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Rajesh Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

**ORAL ORDER**

3      12-05-2016      Heard learned counsel for the petitioner and learned APP for  
the Sate.

The petitioner seeks bail in connection with Koch P.S. Case  
No. 80 of 2015 registered for the offences punishable under Sections  
147, 148, 149, 353, 307, 394, 212 of the Indian Penal Code, Sections  
25(1-b)A, 26, 27/35 of the Arms Act, Section 17 C.L.A. Act and  
Sections 16, 17, 18, 20 of U. A. P. A. Act.

Allegedly, acting on an information that Maowadi  
extremists have gathered in the house of Ramashish Yadav, the Police  
personnel went there and directed the miscreants to surrender but they  
opened fire on the Police party to which the Police also resorted firing  
and thereafter, ten miscreants were caught from the house and out of  
them from possession of Gorelal Rawani, the petitioner Bhupendra  
Rajak and Umesh Yadav firearms and ammunitions were recovered, in  
the house a hand bag containing cash and Maoist literature, mobile  
phones and other articles were recovered.

Submission is of false implication and that the petitioner has been made victim of police atrocity, other co-accused have been allowed bail and as such the petitioner also deserves sympathetic consideration as there is no independent witness and all the witnesses are police personnel, the details of arms recovered from possession of the petitioner does not tally as per the expert report to which learned APP opposes by submitting that the petitioner has got criminal antecedent as he is involved in four more cases and one of them is Salaiya P.S. Case No. 38 of 2013 registered under Sections 414 IPC, Sections 25(1-B)A/36 of the Arms Act, Sections 3, 4 of Explosive Substance Act, Section 17 C.L.A. Act and Section 10 of U. A. P. Act.

In the facts and circumstances stated above, considering the alleged recovery and criminal antecedent of the petitioner, at present, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, considering the period of detention, let the trial of the petitioner be expedited and concluded as early as possible, preferably within nine months from the date of receipt/production of a copy of this order.

**(Jitendra Mohan Sharma, J)**

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