

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23158 of 2016

Arising Out of PS.Case No. -49 Year- 2012 Thana -BODHGAYA District- GAYA

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Ram Iqbal Yadav Son of Kail Yadav, resident of village- Amra, P.S.-
Konch, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, Spl. APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 15-09-2016 Heard learned counsel for the Petitioner and the

learned counsel for the State.

The Petitioner seeks bail in connection with SC/ST Sessions Trial No.67 of 2016 arising out of Bodh Gaya P.S. case No.49 of 2012 instituted for the offence under Sections 302, 120B/34 of the Indian Penal Code, Section 27 of the Arms Act, Sections 10(b)(i), 14, 16, 18, 20 of U.A. (Prevention) Act as well as Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act and Section 17 of the C.L.A. Act, pending in the court of learned Special Judge, SC/ST, Gaya.

The prosecution case in nutshell is that on the alleged date and time of occurrence the informant's father Shivnath Paswan and his elder uncle Baijnath Paswan had gone to sleep in



the house of his co-villager Balo Paswan. It is further alleged that at 10.30 P.M. the informant heard sound of firing and also heard that extremists had shot at his father and uncle and were running away towards east. When he entered the house of said Balo Paswan, he found both of them dead. The informant followed the culprits towards east and saw the petitioner and others in torch light. The informant expressed his belief that the petitioner and others have killed his father and elder uncle.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.08.2015. Charge has already been framed. There is no allegation of tampering of witnesses against the petitioner. General and omnibus allegation has been made against the petitioner. No specific injury has been attributed against him. His name has appeared in the case merely on the basis of suspicion.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and he is active member of the naxalite movement.

A report was called for from the Trial Court regarding the stage of the trial. It has been reported that two prosecution witnesses have already been examined and the trial is expected to be concluded within a period of six months.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to conclude the trial within a period of six months from the date of receipt/production of a copy of this order.

The District Magistrate, Gaya and the Senior Superintendent of Police, Gaya are also directed to take necessary steps to produce the witnesses on the date fixed by the Trial Court so that the trial could be concluded within the stipulated period.

Let this order be communicated to the District Magistrate, Gaya and the Senior Superintendent of Police, Gaya.

(Sudhir Singh, J)

Narendra/-

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