

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43546 of 2015

Arising Out of PS.Case No. -288 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Vikash Rai Son of Satendra Rai Resident of Village -Dehri ,P.s Rajpur
District Buxar (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.51523 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- BHABHUA (KAIMUR)

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1. Amir Hasan Ansari Son of Gyas Ansari Resident of village - Dehri, P.S.
Rajpur, District - Buxar (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.53320 of 2015

Arising Out of PS.Case No. -288 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Binod Yadav son of Ram Yadi Yadav Resident of Village- Jamuninar P.s
Audhaura District Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.43546 of 2015)

For the Petitioner/s : Mr. Viveka Nand Singh

For the Opposite Party/s : Mr. Ajay Kr. Jha (App)

(In Cr.Misc. No.51523 of 2015)

For the Petitioner/s : Mr. Viveka Nand Singh

For the Opposite Party/s : Mr. Ganesh Pd.Singh(App)

(In Cr.Misc. No.53320 of 2015)

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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

4 11-01-2016

The three criminal miscellaneous applications are of the same occurrence and, as such, have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned A.P.P. representing the State.

Petitioners seek bail in connection with Mohania P.S. Case No. 288 of 2015 registered for the offences punishable under Sections 392, 412 of the Indian Penal Code.

Allegedly the petitioners and co-accused hired the truck which was being driven by the informant and tried to take away the truck after tying the hands of the informant and Munna Kumar, the nephew of the truck owner but due to alarm being raised by the informant, nearby persons and villagers caught the petitioners Vikash Rai and Binod Yadav whereas, co-accused Amir Hasan Ansari succeeded in fleeing away and one miscreant Mundrika Yadav also fled away with Tata Sumo vehicle and from possession of Vikash Rai and Vinod Yadav, arms and ammunitions were also recovered and for that Bhagwanpur P.S. Case No. 100 of 2015 was registered.

Submission is of false implication and that the



petitioners have been made victim of the circumstance, they have gone there to visit Mundeshwari Temple but due to some dispute, they have been implicated. The police after adopting third degree method, has got recorded confessional statement of petitioner Binod Yadav, which has got no evidentiary value in the eye of law. Petitioner Vikash Rai is suffering in custody since 12.08.2015, Binod Yadav is in custody since 14.08.2015 and petitioner Amir Hasan Ansari is in custody since 08.09.2015 and as such, they deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that petitioners Vikash Rai and Binod Rai were caught when they were trying to flee away and they have tried their best to take away the truck.

In the facts and circumstances stated above, considering that petitioners Vikash Rai and Binod Yadav were caught when they were trying to take away the truck and, as such, at this stage this Court is not inclined to enlarge the petitioners on bail and accordingly their prayer for bail stands rejected.

However, the trial court is directed to expedite the trial and conclude the same within six months failing which the petitioners may be at liberty to renew their prayer for bail.

So far as, petitioner Amir Hasan Ansari is concerned,

he was not caught and his name has come in the statement of co-accused and, as such, the petitioner, Amir Hasan Ansari, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Kaimur at Bhabhua arising out of Mohania P.S. Case No. 288 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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