

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35530 of 2016

Arising out of P.S. Case No. - 181 Year - 2014 Thana - GANDHIMAIDAN District - PATNA

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1. Balwant Yadav @ Balwant, Son of Lallan Yadav, Resident of Village - Ishapur, P.S. - Chakiya, District - Chandauli (U.P.)
 2. Babloo Yadav @ Bablu @ Dileshwar Yadav, Son of Radheshyam @ Radheshyam Yadav, Resident of Village - Pachpheriya, P.S. Chakiya, District- Chandauli (U.P.)

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajesh Kumar Mishra, Advocate

For the Opposite Party : Mr. Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-10-2016

Heard learned counsel for the petitioners and

learned counsel for the State.

The petitioners are languishing in custody since 14.03.2016 in connection with Gandhi Maidan P.S. Case No. 181 of 2014 for the offence instituted under Section 379 of the Indian Penal Code.

The prosecution story, in brief, is that the motorcycle of the informant bearing no. BR 01BA 3528 was kept standing on the road in front of Rajhansh Hotel and the informant went to home at about 09:20 p.m. and when came out at 09:45 p.m. got missing the said motorcycle from the place.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 14.03.2016 and

the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioners. Petitioners have falsely been implicated in the present case. There is no recovery of any theft article from the possession of the petitioners.

It has been submitted on behalf of the State that petitioners belong to inter-State gang who are involved in committing such theft. On the disclosure three accused were arrested in the State of Uttar Pradesh. Seven stolen motorcycles are said to have been recovered. Petitioners have got other seven cases pending against them.

Considering the aforesaid facts and the circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The court below is directed to take all necessary steps to expedite the trial and conclude the same within a period of six months from the date of receipt/production of a copy of this order. If any of the other co-accused in the case do not co-operate during the trial, the court below will be at liberty to separate the case of the petitioners and proceed with the trial.

The District Magistrate, Patna and the Superintendent of Police, Patna are directed to ensure that the prosecution witnesses are produced in the case on the date fixed

by the trial court so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Patna and the Superintendent of Police, Patna for necessary action.

(Sudhir Singh, J.)

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