

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.860 of 2016

Arising Out of PS.Case No. -14 Year- 2016 Thana -Dhanarua District- PATNA

Pinku Yadav @ Pinku Kumar @ Butai Yadav, Son of Late Harbansh Yadav,
Resident of Village- Ram Nagar Math, P.S. Dhanarua, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate.

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 28-09-2016

The petitioner claims compulsive bail in terms of Section 167 (2) of the Code of Criminal Procedure for the reason that the charge-sheet was not filed within 90 days.

2. A perusal of the record shows that the petitioner was taken in judicial custody on 1st of April, 2016 whereas, he applied for compulsive bail on 30th of June, 2016 i.e. 90th day after excluding 1st of April, 2016.

3. The right of bail would arise not on 90th day but on 91st day. Since on 30th June, 2016, the petitioner was in custody for 90th day, therefore, he is not entitled for compulsive bail. Admittedly, the charge-sheet was filed on the 91st day.

4. In view thereof, I do not find any merit in the writ

application, which is dismissed.

(Hemant Gupta, J)

P.K.P.

AFR/NAFR	A.F.R.
CAV DATE	N.A.
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