

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14347 of 2016

Arising Out of PS.Case No. -51 Year- 2015 Thana -NAVHATTA District- SASARAM (ROHTAS)

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Ram Dular Kharwar @ Ramdular @ Nawal Ji Son of late Bisheshwar Kharwar, resident of Village Salma, P.S. Nauhatta, District Rohtas at Sasaram.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner/s : Mr. Sada Nand Roy, Advocate.

For the Opposite Party/s : Mr. A.L.Pandit, APP.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 18-05-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in connection with Nauhatta P.S. Case No. 51 of 2015 registered for the offences punishable under Sections 147, 148, 149, 353, 386, 307 and 120B of the Indian Penal Code, Section 25(1-b)a, 27 and 35 of the Arms Act, ¾ of the Explosive Substance Act and Section 13, 16, 17 and 20 of the Explosive Substance Act.

Allegedly, on the information that co-accused Ajay Rajbhar and the petitioner along with fifty to sixty extremists are making plan to attack on police force, raid was conducted but in the leadership of Ajay Rajbhar and the petitioner, indiscriminate firing was made, however the petitioner was apprehended and from his possession, country made gun, some live cartridges, 45 detonators and 13 pieces of explosive substance were recovered

and the petitioner stated the name of the others also.

Submission is of false implication and that the petitioner has been made victim of the circumstances, nothing has been recovered from his conscious possession, the petitioner has been made accused by the police with false allegation, the petitioner is in custody since 23.09.2015, as such, he deserves sympathetic consideration.

The learned APP opposes the prayer of bail by submitting that the petitioner has got criminal antecedent and earlier also he has been made accused in Arms Act and Explosive Substance Act.

In the facts and circumstances stated above, considering the alleged recovery and criminal antecedent of the petitioner, at present, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Nauhatta P.S. Case No. 51 of 2015 pending in the Court of learned Additional Sessions Judge, 9th Rohtas at Sasaram.

However, let the trial be expedited and concluded preferably within six months after taking the same on priority basis from the receipt or production of a copy of this order.

(Jitendra Mohan Sharma, J)

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