

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13056 of 2015

Arising Out of PS.Case No. -140 Year- 2013 Thana -GOH District- AURANGABAD

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Umesh Yadav Son of Jamadar Yadav, Resident of the Village - Mahadev Asthan,
P.S. - Guruwa, at District - Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-07-2016

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in Goh P.S. Case No. 140 of
2013 dated 18.07.2013 instituted under Sections 302/ 307/ 379/ 427/
435/ 326/ 353/ 324/ 147/ 148/ 149 of the Indian Penal Code, 17 of the
Criminal Law (Amendment) Act, 1967 and 16/17/18/19/20 of the
Explosive Substances Act.

This is the second attempt of the petitioner for bail as
earlier such prayer was rejected by order dated 24.09.2014 passed in
Cr. Misc. No. 14381 of 2014.

Earlier a report was called from the Trial Court and the
same has been received under Letter No. 81 of 2016 dated 11.04.2016

by which reasons for delay have been mentioned and it has also been stated that if parties cooperate, trial can be concluded within one year.

Learned counsel for the petitioner submits that the petitioner was not named in the F.I.R. and only on the basis of confessional statement of co-accused namely Bira Das @ Bira Ravidas, he has been implicated and he has been granted bail by a co-ordinate Bench of this Court on 05.08.2015 in Cr. Misc. No. 48969 of 2014.

Learned A.P.P. submits that the petitioner in the confessional statement of co-accused has been assigned an active role in the incident in which huge quantity of arms were looted and the police side faced casualties.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail and the bail granted to another co-accused does not persuade the Court inasmuch as an active role has been assigned to the petitioner in such incident.

Accordingly, the application stands dismissed.

However, the Court below is directed to expedite the trial and conclude the same within one year positively. It is made clear that the trial Court, which has sufficient powers to ensure for conclusion of the trial, even if parties do not cooperate, shall exercise the same.

Moreover, the Superintendent of Police, Aurangabad is also directed to ensure that the prosecution witnesses are produced before the Court on the dates fixed.

The Court would only indicate that the trial of the petitioner, if required, may be bifurcated so as to ensure that the same is concluded within the time fixed by this Court.

Registry shall communicate the order to the Court below as well as the Superintendent of Police, Aurangabad through Fax also latest by tomorrow.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	NAFR
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