

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24667 of 2016**

Arising Out of PS.Case No. -66 Year- 2015 Thana -KASIMBAZAR District- MUNGER

Rana Yadav Son of Late Rajendra Yadav, Resident of Village- Sandalpur,  
Jhajha Tola, P.S.- Kasim Bazar, Dist- Munger.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate

For the Opposite Party/s : Mr. L.K. Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

5 31-08-2016 Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in Sessions Case No.253 of 2015 arising out of Kashim Bazar P.S. case No.66 of 2015 instituted for the offence under Sections 386, 326, 307/34 of the Indian Penal Code as well as Section 27 of the Arms Act and ¾ of the Explosive Substance Act, pending in the court of Shri Phul Chandra Choudhary, learned Additional Sessions Judge 1<sup>st</sup>, Munger.

The prosecution case, in brief, is that the informant's younger brother Ashok Sah owned a shop situated at Kora Maidan College Road. About one month prior i.e. 13.3.2015 a letter written by the petitioner was found through which Rs.2 lacs were demanded, about which the police was informed. On 11.4.2015



the petitioner, one Raushan Yadav and an unknown person came at his door on a motorcycle and called his younger brother, whereupon his nephew Sumit Anand opened the door. Just after opening the door, the petitioner fired upon his nephew hitting his stomach, due to which he fell down on the ground. When they tried to apprehend the culprits they hurled bomb upon the informant which exploded on the wall. The injured was admitted to the Hospital for treatment. The informant claims that due to non-payment of extortion money the accused persons including the petitioner injured his nephew.

The case diary along with the stage of the case was called for from the Trial Court in the present case. The same has been received. It has been reported that only the Investigating Officer is to be examined in the present case.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.06.2015. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. There is no direct or indirect evidence alleged against the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and he is alleged to have fired upon the

victim. Hence, he is the main assailant in the case.

Considering the aforesaid facts and circumstances and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to conclude the trial within a period of three months from the date of receipt/production of a copy of this order as only the Investigating Officer is to be examined in the present case.

The District Magistrate, Munger and the Superintendent of Police, Munger are also directed to ensure that the Investigating Officer is produced on the date fixed by the Trial Court so that the trial could be concluded within the stipulated period.

Let this order be communicated to the District Magistrate, Munger and the Superintendent of Police, Munger.

**(Sudhir Singh, J)**

Narendra/-

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