

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24788 of 2016

Arising out of PS.Case No. -231 Year- 2015 Thana -KHAIRA District- JAMUI

Mantu Yadav, son of Mahabir Yadav, resident of Village- Jhiti, P.S.-
Khaira, District- Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar Sinha, Advocate.

For the Opposite Party : Mr. Rajesh Kumar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 01.11.2015
in connection with Khaira P.S. Case No. 231/2015 for the
offences instituted under Sections 16, 17, 18, 19, 20,21, 22 of the
U.A.P. Act and ¾ of the Explosive Substance Act.

The prosecution story, in brief, is that the informant
received information that the petitioner and others of Naxalite
assembled for committing some cognizable offence. On this, a
raiding team was constituted. He saw 4-5 persons fleeing away.
On chased, the petitioner was caught. Dargi Yadav and two others
fled away. At the instance of the petitioner, one plastic bag
containing five pieces of electronic detonator with electric wire,

five pieces jeletin Zel Kelvex power 90 mentioned, 7 pieces of Naxlai parcha were recovered from the paddy field of Kishan Yadav.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.11.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. Nothing has been recovered from conscious possession of the petitioner.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. He was apprehended by the police and on his confessional statement, detonator, Jeletin Zel etc., are said to have been recovered.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Khaira P.S. Case No.231/2015(U.A.P. Case No. 103/2015), pending in the court of the learned Sessions Judge, Jamui. Anyhow, the court below is directed to take all necessary steps to expedite the trial.

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(Sudhir Singh, J)