

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39390 of 2016

Arising Out of PS.Case No. -12 Year- 2011 Thana -KHAGARIA GRP CASE District- KHAGARIA

=====

1. Santosh Kumar Yadav @ Santosh Yadav Son of Dashrath Yadav,
Resident of Village-Mundichak, P.S.-Salkhua, Dist-Shaharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Md. Nazir Ansari

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 28-11-2016

Heard both sides.

The petitioner seeks bail in Mansi Rail P.S. case No. 12 of 2011 under Section 307/34 of the Indian Penal Code and under Section 27 of the Arms Act. Later on Section 302 of the IPC was added.

The informant, a vendor at railway station, disclosed that two persons came to his stall and started talking nonsense. When the informant intervened, one of the accused fired which hit in his abdomen.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. There is no eye witness of the occurrence. The petitioner was apprehended and his confessional statement was recorded. Save and except confession, there is no

material against the petitioner. The petitioner is in jail since 07.06.2012. The petitioner has already remained in jail for four years and six months.

The learned Additional Public Prosecutor, however, opposed the prayer for bail and submitted that paragraph 31 of the case diary shows that the witness is eye witness of the occurrence and he stated that Santosh Kumar Yadav, the petitioner, fired causing injury in the abdomen of the deceased. Similar is the statement of witness in paragraph 55 of the case diary.

It appears that the occurrence took place at railway station and the witnesses have disclosed that it was the petitioner who fired causing injury in the abdomen of the deceased, who later on succumbed to the injuries.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

Since the petitioner is in jail for four and half years, the learned court below is directed to commit the case to the court of Sessions forthwith, if the case is not committed to the Court of Sessions, and after commitment the trial court shall hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The Railway Superintendent of Police, Khagaria is

directed to ensure the attendance of prosecution witnesses of Mansi Rail P.S. case No. 12 of 2011 in the trial court so that the trial must be concluded within nine months.

If the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--