

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49380 of 2015

Arising Out of PS.Case No. -135 Year- 2013 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Suman Nat @ Suman, son of Late Harendra Nat, resident of Village and P.O. Ajgari P.S. Pakari Dayal District East Champaran.
 2. Kailash Nat alias Khalifa, S/o Late Janki Nat, resident of Village - Shekhpurwa P.S. Pakaridayal, Distt. East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Bimalesh Kumar, Advocate.

For the Opposite Party : Mr. Shailendra Kr. 2(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 28-10-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are languishing in custody since 08.10.2013 in connection with Pakaridayal P.S. Case No. 135 of 2013 for the offences instituted under Sections 395, 397 of the IPC and 3/4 of the Explosive Substance Act.

It is alleged by the informant that on 04.10.2013, he alongwith his family members was sleeping in his house at about 11.00 P.M. four persons entered into his house and woke up him and when he woke up, a fat man gave a slap on his cheek and other told they are MCC and they removed his bed and took out Rs. 1,50,000/- and that fat man demanded key of motorcycle and they jumped from window, which was without Jali(net). The



miscreants assaulted his father and brother, who became silent and then demanded key of Godrej from his wife who told that key is with her husband then opened boxes and tried to open the other boxes. They also took out golden ear top and phool and made loot-pat for about half an hour. The informant identified one miscreants, who had painted his face with white paint and was demanding key of motorcycle and his Sasural is in the house of Baldeo Nat whose house is situated north about 250 meters and his name is Jhamindra Nat @ Pagla Nat. The son of the informant's uncle Manoj also saw Baldeo Nat and Jagdeo Nat @ Bagar Nat, who were standing near Mango tree, After committing loot-pat, the miscreants also exploded bomb due to that they did not chase them and four Sarees of the informant's wife have been theft. The miscreants then went towards Village-Barka Gaon and also committed loot-pat in the house of Raj Kumar Sah due to which his wife became unconscious and also exploded bomb and fled away. Hence the F.I.R.

The earlier bail application of the petitioners was rejected vide Annexure-1 to the present application. This is second attempt on behalf of the petitioners for grant of bail.

A report was called for from the court below regarding the stage of the case. It has been reported that out of 10 prosecution witnesses, 04 witnesses have already been examined

and within a period of six months the trial is going to be concluded.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners. The same is rejected in Pakaridayal P.S. Case No. 135 of 2013, Sessions Trial No. 194 of 2015, pending in the court of the learned 6th Additional Sessions Judge, East Champaran at Motihari. The court below is directed to ensure that the trial is concluded preferably within a period of six months from the date of receipt/production of copy of the order, if necessary, trial be concluded on day-to-day basis.

The District Magistrate, East Champaran at Motihari and the Superintendent of Police, East Champaran at Motihari are also directed to take all necessary steps to produce the prosecution witnesses on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, East Champaran at Motihari and the Superintendent of Police, East Champaran at Motihari.

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(Sudhir Singh, J)