

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28957 of 2016

Arising Out of PS.Case No. -91 Year- 2001 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

=====

Pappu Deo, Son of Late Durganand Deo, resident of Village + P.O- Bihra,
P.S.- Bihra, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

8 16-11-2016 Heard Mr. Pramod Mishra for the petitioner and Mr.

Raman, APP for the State.

The petitioner prays for grant of bail in Bhagwanpur
P.S. Case No. 91 of 2001 registered under sections 302, 364-A,
120-B/34 & 307 IPC as well as section 27 of the Arms Act.

The prosecution case, in brief, is that while Surya
Narayan Singh & Vimala Sinha, the two District sub-Registrars
were traveling along with others in a car, they were intercepted
and two of them were killed. Surya Narayan Singh and Vimala
Sinha were kidnapped. The informant on the basis of the suspicion
named one Mithilesh Kumar who was also functioning in the
same office as District Sub-Registrar. However, in course of

investigation, the two victims namely Surya Narayan Singh and Vimala Sinha were retrieved and their statements were recorded wherein they named the petitioner along with others as co-abductor/kidnapper.

The contention of the petitioner is that the co-accused Mithilesh Kumar has since been released on bail. The petitioner is not named in the FIR. He is languishing in jail custody since 11.08.2014. The petitioner deserves bail. It is also submitted that other accused persons who were similarly named by the two victims have since been released on bail.

Mr. Raman opposed the prayer and submitted that the petitioner is a habitual offender and he is facing criminal charges in more than 22 cases, some of which are heinous offences.

Looking to the allegations and other materials reflected from the records including the order of the learned Sessions Judge and the criminal history of the petitioner, I am not persuaded to extend him the privilege of bail. Prayer is accordingly rejected.

However, considering the fact that the petitioner is in custody since 11.08.2014 and the trial has not yet begun, the Court observes that the learned court in seisin of the trial/case, shall endeavour to examine the prosecution witnesses within 07 months from the date of receipt/production of a copy of this order

failing which the petitioner shall have liberty to renew his prayer
for bail in the court below itself which shall be considered and
disposed of on its own merit in accordance with law.

(Kishore Kumar Mandal, J)

HR/-

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