

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35690 of 2016

Arising Out of PS.Case No. -51 Year- 2012 Thana -KHARIK District- BHAGALPUR

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Pintu Yadav, S/o Chhotelal Yadav, resident of village - Bhawanpur, P.S. Kharik, District – Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Yadav, Advocate.

For the Opposite Party : Smt. Reena Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 26-10-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 30.11.2015 in connection with Sessions Trial No. 917A of 2013, corresponding to Kharik P.S. Case No. 51/2012 (G.R. No. 453/2012) for the offences instituted under Sections 307, 353/34 of the IPC and 27 of the Arms Act.

It is alleged by the informant that on 19.04.2012 he alongwith others was on duty at Piparpanti for repairing of ‘Koshi Katao Bandh. In the meantime, S.P. Naugachia, with his body guard came there and enquired from them. All of sudden, firing was opened indiscriminately to them and to save from the firing, they took position and for self defence body guard of the S.P. and



other guards opened seven rounds firing and from the side of miscreants 35-40 rounds firing was opened. Thereafter, the informant came to know that to extort money from the Thekedar of repairing work of Bandh, this petitioner, Dayanand Yadav, Chandan Yadav and Parmatma Mandal opened firearms. The accused persons have earlier also demanded Rangdari.

A report has been submitted by the court below indicating that the charge has already been framed and the trial is expected to be concluded within a period of six months.

It has been submitted on behalf of learned counsel for the petitioner that the petitioner is in custody since 30.11.2015 and the charge sheet has been submitted in the present case. He has falsely been implicated in the present case. No one is said to have been injured in course of occurrence. Hence, no offence under Section 307 IPC is made out. The other co-accused has been granted bail by the learned court below.

On behalf of the State, it has been submitted that the petitioner is named in the FIR. He is said to be the member of Naxal who had fired upon the Superintendent of Police and other police officials while they were making raid. In retaliation to that, the police has also fired to save themselves.

Considering the aforesaid facts and circumstances, I am

not inclined to grant bail to the petitioner at this stage. The same is rejected in Sessions Trial No. 917A/2013, corresponding to Kharik P.S. Case No. 51 of 2012 (G.R. No. 453/2012), pending in the court of the learned 2nd Additional District & Sessions Judge, Naugachia, Bhagalpur. The court below is directed to take all necessary steps to conclude the trial preferably within a period of seven months from the date of receipt/production of copy of the order.

The District Magistrate, Bhagalpur and the Superintendent of Police, Bhagalpur are also directed to ensure that the prosecution witnesses are produced 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, Bhagalpur and the Superintendent of Police, Bhagalpur.

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(Sudhir Singh, J)