

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56645 of 2015

Arising Out of PS.Case No. -16 Year- 1999 Thana -HATHAURI District- SAMASTIPUR

=====

1. Uma Kant Yadav @ Uma Yadav Son of Sri Ram Binod Yadav Resident
of Village-Gamharia, P.s.-Hathauri, Dist.-Samastipur (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. U.S.P Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

7 07-09-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case, initially, registered for
the offences punishable under Sections 147, 148, 149, 323, 324,
307, 436, 197, 427 of the Indian Penal Code and Section 34 of the
Explosive Substance Act and subsequently, Section 302 of the
Indian Penal Code was added.

Earlier the prayer for bail of the petitioner was
rejected by this court vide order dated 29.06.2015 passed in Cr.
Misc. No. 15297 of 2015 but submission on behalf of the
petitioner is that petitioner is in jail custody since 16.02.2015 and
up till now, his trial could not be concluded.

It is submitted that present occurrence took place in



the year 1999 and police after due investigation, submitted first charge sheet against some co-accused who were put on trial but acquitted by the trial court and after that petitioner was charge sheeted in the year 2012. It is further submitted that police did not find case true under Section 302 of the Indian Penal Code against the petitioner and that was the reason charge sheet for the offence under Section 302 of the Indian Penal Code was not submitted against the petitioner. It is further submitted that since cognizance of the offence under Section 302 of the Indian Penal Code had already been taken, the learned trial court has framed charge against the petitioner for the offence punishable under Section 302 and other minor sections of the Indian Penal Code.

The trial court has reported that case of the petitioner is pending for prosecution evidence.

There is allegation against the petitioner that he hurled bomb on the deceased but from perusal of the case diary, it would appear that investigating officer having relied upon statements of two Chowkidar exonerated the petitioner from the allegation of murder rather the investigating officer came to conclusion that deceased was himself carrying the bomb in his hand which was exploded as a result of which deceased died.

Considering the aforesaid facts and circumstances as

well as submissions of the parties, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Sessions Trial No. 434 of 2015 arising out of Hathauri P.S. Case No. 16 of 1999 pending in the court of 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Samastipur is again rejected.

However, learned trial court is directed to expedite the trial of the petitioner and try to conclude the same as early as possible, preferably within seven months from the date of receipt/production of copy of this order, failing which the petitioner may renew his prayer for bail before the learned trial court itself.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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