IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.856 of 2017

Arising Out of PS.Case No. -245 Year- 2016 Thana -BIHPUR District- BHAGALPUR

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ROBIL YADAV @ ROBIN YADAV @ RABIL YADAV @ ROBIL, S/o Late Giro Yadav, resident of Village- Lattipur, P.S.- Bihpur, District- Bhagalpur.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :
For the Appellant/s : Mr. Ashok Kumar Yadav, Advocate
For the Respondent/s : Smt Usha Kumari No-1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 22-06-2017 Heard learned counsel for the appellant and learned Special P.P.

This appeal has been filed for setting aside the order the order dated 27.1.2017 passed by Additional Sessions Judge-II-cum-Special Judge, SC/ST Act, Bhagalpur, in G.R.No. 783 of 2016, arising out of Bihpur P.S.Case No. 245 of 2016 registered for the offences under Sections 364, 307, 386, 387, 120B/34 of the Indian Penal Code, 27 of the Arms Act and 3(ii)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of bail to the appellant.

Allegation against the appellant and other co-accused persons is that they have abducted the informant and there is demand of ransom and due to non-fulfilment of demand another co-accused shot fire on him causing injury to him.

It has been submitted on behalf of the appellant that there is no allegation of firing against the appellant, rather

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allegation is that he along with others had taken the informant and he is in custody for more than nine months.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(i)(x) of the Act as well as Sections 364, 307 and other sections of the IPC is made out against the appellant, as such, appellant does not deserve bail.

From perusal of the record it appears that a report was called for from the Special Judge, Bhagalpur regarding status of the case and the report shows that the case was fixed for framing of charge on 5.5.2017 and further trial will be concluded within a year.

Having heard both sides and considering the aforesaid facts and circumstances, I am not inclined to grant bail to the appellant.

The appeal is dismissed.

However, learned Special Judge is directed to expedite the trial and try to conclude the same within a period of one year. If trial is not concluded within the said period, appellant may renew his prayer for bail.

(Vinod Kumar Sinha, J)

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