

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53816 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -DHANAHAN District-
WESTCHAMPARAN(BETTIAH)

=====

Sunil Yadav, Son of Ramchandra Yadav, resident of Village- Kaulachi,
Police Station- Chautarwa, District- West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Zainul Abedin, Advocate.

For the Opposite Party : Mr. Mustaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 29-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
05.03.2016 in connection with Dhanaha P.S. Case No. 05 of 2016
for the offences instituted under Sections 395 and 397 of the IPC.
Later on, Sections 412 and 216(A) of the IPC were also added.

The prosecution story, in brief, is that the informant
alongwith driver of the vehicle and guard proceeded to S.B.I.
Padrauna Branch for withdrawal of Rs. 20,00,000/-. After 1.45
P.M., the informant alongwith his staff was returning back of his
branch after receiving the cash Rs. 20,00,000/-, at about 3.00
P.M., when the informant and his staff reached near the village-



Samaerwa, one vehicle dashed the vehicle of the informant. Both vehicles were stopped. Thereafter, five miscreants came with small arms. On protest by guard, miscreants opened fire over the informant and his arms guard and snatched the arms from the guard and they have looted away the entire money and fled away from two motorcycles.

The earlier bail application was rejected vide Cr. Misc. No. 21767 of 2016 dated 01.08.2016 taking into account that the petitioner had participated in committing dacoity in the bank and looted Rs. 20,00,000/- from one of the Branches of S.B.I. Against the aforesaid order, the petitioner had preferred Special Leave to Appeal (Crl.) No. 9072 of 2016. The order passed by Hon'ble Supreme Court is as follows:

“Learned counsel for the petitioner submits that subsequently after rejection of bail to the petitioner, another accused who was similarly placed, was granted bail on 18.11.2016. In view of that, learned counsel for the petitioner wants to withdraw the Special Leave Petition with liberty to approach the High Court.

Permission sought for is granted.

The Special Leave Petition is disposed of as withdrawn. Resultantly, pending application(s), if any, is/are also disposed of.”



Admittedly, the other co-accused persons have been granted bail but the order passed in respect to other co-accused do not indicate the grounds for consideration for grant of bail. On the other part, the persons who have been granted bail are not co-operating as the said accused are not appearing in the court hence, the case could not been committed to the Court of Sessions.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Dhanaha P.S. Case No. 05 of 2016 pending in the court of learned A.C.J.M., Bagaha, West Champaran. The court below will be at liberty to separate the case of the petitioner and proceed with the trial in accordance with law.

It is further directed that the court below shall take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of copy of this order.

The District Magistrate, Bettiah at West Champaran and the Superintendent of Police, Bettiah at West Champaran 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, Bettiah at West Champaran and the Superintendent of
Police, Bettiah at West Champaran.

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(Sudhir Singh, J)

