

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18360 of 2017

Arising Out of PS.Case No. -167 Year- 2014 Thana -JHAJHA District- JAMUI

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Bachchandeo Yadav, son of Late Taken Yadav, resident of village - Sahiya,
P.S. - Jhajha, District - Jamui.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Irshad, Advocate.

For the Opposite Party : Smt Indu Kumari Srivastava, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-05-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 21.12.2015
in connection with Jhajha P.S. Case No. 167 of 2014 for the
offences instituted under Sections 147, 148, 149, 353, 307 of the
IPC, 27 of the Arms Act, 16 and 20 of the Unlawful Activities
(Prevention) Act, 1967.

The prosecution story, in brief, is that on 10.09.2014 at
5.05 P.M. the S.P. Jamui, gave information that labourers engaged
in construction work at Village-Bagdhasa, Primary School, have
been abducted by Naxalites and Naxalites took them away towards
Kathbajra forest, and directed him to arrive at that place, then,
informant alongwith raiding team reached at Primary School,



Bagdhasa, he learnt from the villagers that Naxalites abducted labourers and assaulted and took them away towards south eastern of forest. When raiding team proceeded towards direction and reached in between forest and hill, Naxalites started firing upon the police force, then, raiding team also on the direction of S.D.P.O. started counter firing. In the meantime, the S.P. alongwith force also arrived there, then, extremists left abducted labourers and fled away. The raiding party chased them for about 4 K. Ms., but they succeeded in fleeing away taking advantage of forest and darkness and all eight persons who were abducted has been safely recovered.

The earlier bail application of the petitioner was rejected vide Cr. Misc. No. 22022 of 2016 dated 01.08.2016 taking into account that the petitioner is involved in Moist activities and he has got as many as 10 criminal cases pending against him.

A report was called for from the court below regarding the stage of the case. It has been reported by the court below that out of 11 prosecution witnesses, 05 prosecution witnesses have already been examined and the trial is likely to be concluded within a period of three months.

Considering the aforesaid facts and circumstances and the stage of the case, I am not inclined to grant bail to the



petitioner. The same is rejected in Jhajha P.S. Case No. 167 of 2014, pending in the court of the learned Sessions Judge, Jamui.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of four months from the date of receipt/production of copy of the order.

The District Magistrate, Jamui and the Superintendent of Police, Jamui are also directed to ensure that during the trial the prosecution witnesses be 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, Jamui and the Superintendent of Police, Jamui.

(Sudhir Singh, J)

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