

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80100 of 2019

Arising Out of PS. Case No.-146 Year-2018 Thana- BEUR District- Patna

MD. ASLAM @ KALAKBA, son of karu Miyan, resident of New Ajimabad,
renter in the house of Naga Budhiya, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vigilance, Bihar through Superintendent of Police, Patna, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Beur P.S. Case No. 146 of 2018 (Special Case No. 47/18) instituted for the offences under Sections 324, 307, 353, 224, 511, 120(B) of the Indian Penal Code, Sections 3 and 5 of Explosive Substance Act, 25(1-b)A, 26, 27, 35 of the Arms Act and 7, 8 and 13 of Prevention of Corruption Act.

The prosecution case in short is that the accused persons hatched conspiracy and exploded bomb and made attempts to release the prisoners from the prisoners' van due to which police personnel sustained injuries.

It has been submitted on behalf of the petitioner that



the petitioner is in custody since 18.5.2018. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. Only two live cartridges is said to have been recovered. Except for this, there is no other substantive evidence to suggest his implication in the present case. The petitioner has falsely been implicated in the present case. The petitioner has remained in custody for approximately one year and nine months.

On behalf of the State and the Vigilance, it is submitted that the petitioner along with other accuseds were taken to the Patna Civil Court from the jail for their production in a case which was pending against them. In the transit, the petitioner and the accuseds managed to obtain fire arms and explosive and as per the plan, they exploded the bomb inside the police vehicle to escape prisoners from the vehicle but due to alertness on the part of the police party, they were apprehended and arms and ammunition were recovered from the place of occurrence.

Considering the nature of accusation, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to conclude the trial within a period of nine months preferably on day to day basis



from the date of receipt/production of a copy of this order.

The District Magistrate, Patna and the Senior Superintendent of Police, Patna are also directed to take necessary steps to produce the remaining witnesses on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.

Let this order be communicated to the District Magistrate, Patna and the Senior Superintendent of Police, Patna.

(Sudhir Singh, J)

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