

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31198 of 2015

Arising Out of PS.Case No. -287 Year- 2014 Thana -BRAHMPUR District- BUXAR

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1. Vivek Mishra @ Vivek Kumar Mishra S/o - Lallujee Mishra Resident of
Village - Yogiya, P.S. - Brahampur, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Pathak

For the Opposite Party/s : Mr. Awadhesh Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 15-10-2015 Supplementary affidavit is filed on behalf of the

petitioner.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner along with several other accused are named
in the first information report and according to prosecution case,
near about 24 FIR named accused as well as 15-20 unknown
persons, committed the alleged crime. There is specific allegation
against this petitioner that he shot fire of rifle, causing death of
one Niraj Yadav.

The contention on behalf of the petitioner is that
the informant has given a very detailed description of all the
accused, which was not possible at all, because according to

prosecution case itself, a mob committed the alleged crime. It is further pointed out by him that in course of investigation, the statements of some injured witnesses were recorded u/S 164 of the Cr. P.C. but the aforesaid injured witnessed did not name the petitioner. It is further contended by him that police in course of investigation, came to conclusion that some unknown persons committed the alleged crime.

Regard being had to the facts and circumstances of the case as well as submission of the parties, I am not inclined to release the petitioner on bail and hence, prayer for bail of the petitioner in connection with Brahmpur P.S. Case No. 287 of 2014 pending in the court of Chief Judicial Magistrate, Buxar stands rejected.

It would appear from the record that petitioner is languishing in jail custody since 18-10-2014 but the case of the petitioner is still pending before the Chief Judicial Magistrate, Buxar and therefore, Chief Judicial Magistrate, Buxar should commit the case of the petitioner to the court of Sessions in accordance with law as early as possible and after that, Sessions Court should expedite the trial of the petitioner.

(Hemant Kumar Srivastava, J)

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