

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24340 of 2015

Arising out of PS.Case No. -86 Year- 2011 Thana -GOH District- AURANGABAD

Mritunjay Mishra @ Mritunjay Jee @ Mirtunjay Mishra, S/o Bindeshwar Mishra, r/o village Misir Bigha P.S.- Pauthu, in the District of Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Advocate.

For the Opposite Party : Mr. Madan Kumar (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-09-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 05.09.2013 in connection with Goh P.S. Case No. 86 of 2011 for the offences instituted under Sections 147, 148, 149, 342, 323, 379, 384, 435 of the I.P.C. 27 of the Arms Act and 17 of the C.L.A. Act.

The prosecution story, in brief, is that as usual the J.C.B. Machine No.; JHO 225388 was parked in Dihuri Middle School under P.S. Goh. In the night of 26/27.05.11 10 to 20 criminals armed with ammunicions entered in the Campus of the School and asked the driver of the machine to open the gate. On his refusal, they broken window glass of the machine and have sprinkled the kerosene oil set the machine at fire they threatened that if they set



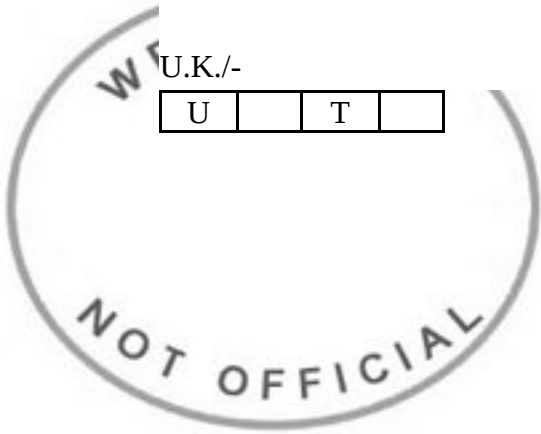
off the fire, they would be killed all the criminals fled making slogan M.C.C. and with threatening not to inform the police. In the course of fleeing, a red coloured bag was left by them in which there was a deep green shirt with topi and some documents with diary. All the criminals were talking in the local language and in the diary, Lalan Jee Mobile No. 8084471118, Bihari Jee Mobile No. 9846142662 was written.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.09.2013 and the charge sheet has been submitted in the present case. It is further submitted that the petitioner has falsely been implicated in the present case. There is no direct or indirect evidence against the petitioner and only on suspicion he has been made accused.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R. There are 14 criminal cases pending against the petitioner of similar nature.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner in connection with Goh P.S. Case No. 86 of 2011, pending in the court of the learned SDJM, Daudnagar, Aurangabad. The same is rejected. Anyhow, the court below is directed to take all necessary steps to conclude the trial preferably within a period of one year from the date of

receipt/production of copy of this order.



(Sudhir Singh, J)