

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24394 of 2015

Arising out of PS.Case No. -37 Year- 2012 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. 37 of 2012 for the offences instituted under Sections 147, 148, 149, 341, 323, 436, 427 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 all of sudden at 11.50 P.M. 15 to 20 persons armed with weapons arrived at the place of occurrence and taken the security person under their control and switched off the generator. Further, they took out diesel from the vehicles parked there and having sprinkled the diesel on those vehicles they brunt eight vehicles. They also told that the proprietor of the vehicle had not paid them levy and

therefore, they have committed such occurrence and further they also instructed not to give information to the police. Lastly, they fled making slogan M.C.C. Zindabad.

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 in the present case.

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. 37 of 2012, 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.

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(Sudhir Singh, J)