

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36173 of 2015

Arising Out of PS.Case No. -24 Year- 2015 Thana -PIRPAINTI District- BHAGALPUR

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Murari Tiwari @ Krishna Murari Tiwari Son of Mahendra Nath Tiwary
Resident of village - Bakharpur, Police Station - Pirpainty, District -
Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Lakshmi Kant Sharma

For the Opposite Party : Mr. Dr. Ravindra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 12-10-2015 Heard the counsel for the petitioner and counsel for the

State.

The petitioner is languishing in jail since 14.02.2015 in
a case instituted under Sections 385,364 and 302/34 of the Indian
Penal Code and Section 27 of the Arms Act in connection with
Pirpainty P.S.Case No.24 of 2015 pending in the Court of SDJM,
Bhagalpur.

As per allegation, it is a case of abduction and
thereafter murder of informant's father, namely, Shivmuni Pandey
by the accused persons.

Counter affidavit has been filed on behalf of the
informant, same is kept on record. It has been submitted on behalf
of the petitioner that the petitioner is in custody since 14.02.2015.



Chargesheet has been submitted in the case. As per the submission of the informant, the trial has already proceeded and one of the prosecution witnesses has already been examined in the case. It has been submitted on behalf of the petitioner that though in the FIR allegation of firing has been made against the accused persons but from perusal of the postmortem report, it would appear that there is no fire arm injury upon the deceased. Petitioner has falsely been implicated in the present case. The source of identification has also not been disclosed by the prosecution.

On behalf of the State, it has been submitted that since the trial has already proceeded and one prosecution witness has already been examined in course of trial and it would not be appropriate to grant bail to the petitioner which will hamper to the proceeding before the court below.

On behalf of counsel for the Informant, it has been submitted that except for the official witnesses, all the witnesses will be examined within a period of eight months.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the above named petitioner, same is dismissed.

Anyhow the court below is directed to take all necessary steps to expedite the trial and conclude the same within

a period of eight months. The trial should be conducted on day to day basis.

(Sudhir Singh, J)

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