

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.762 of 2015

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Sanjeev Mishra, Son of Late Mahendra Mishra @ Gumati Mishra, Resident
of Village-Salthawa, P.S-Kundra, Distt.-Kaimur (Bhabhua).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Radha Mohan Pathak

For the Opposite Party : Mr. Indu Kumari Srivastava (App)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

7 10-02-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with Kochas
P.S. Case No. 32 of 2012, registered under Sections 302, 207 and
324/34 of Indian Penal Code and Section 27 of the Arms Act, pending
in the Court of Chief Judicial Magistrate, Rohtas at Sasaram.

Learned counsel appearing on behalf of the petitioner
submits that earlier the prayer for bail of the petitioner was rejected
vide order dated 05.02.2014 passed in Criminal Miscellaneous No.
30439 of 2013. Further submission is that except the informant, none
witness has supported the case of the prosecution. The name of the
petitioner has been roped in this case by the informant due to earlier
dispute and filing of a case against the informant and others by one
Rakesh Rai . Further submission is that petitioner is in custody since

17.09.2012, but up till now charge has not been framed.

On the other hand, learned counsel appearing on behalf of the Informant submits that, in fact, the case of the petitioner could not be committed to the Court of Sessions due to non-production of the petitioner before the Court of S.D.J.M. Sasaram as since December, 2012 petitioner was at Bhabua Jail for production in other three cases. The case of the petitioner has been committed to the Court of Session on 19.01.2016 and informant will try to produce all the witnesses within six months. Letter No. 01, dated 21.01.2016 of S.D.J.M. Sasaram as received in respect to stage of trial discloses that the case of the petitioner has been committed to the court of sessions on 19.01.2016.

Having considered the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, prayer of the petitioner for bail rejected. Let the trial of the petitioner be concluded within six months by taking all steps. If the trial of the petitioner is not concluded within the aforesaid period of six months, the petitioner would be at liberty to renew his prayer for bail.

Let the copy of this order be sent to the District and Sessions Judge, Sasaram (Rohtas) for needful.

(Rajendra Kumar Mishra, J)

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