

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47979 of 2016

Arising Out of PS.Case No. -512 Year- 2015 Thana -BUXAR District- BUXAR

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VIVEK KUMAR @ SHANI SRIVASTAVA @ VIVEK KUMAR
SRIVASTAV @ SHANI KUMAR SRIVASTAVA @ VIVEK
SHRIVASTAVA @ SHANI, son of Sujit Srivastava resident of Mohalla-
Sohanipur, P.S. Buxar Town, District- Buxur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. V.K.Sharma

Mrs. Sweta Sharma

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-12-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The application is for grant of bail for the offence under
Section 302 of the Indian Penal Code.

The allegation against the petitioner is that he fired upon
the deceased causing injury to him.

It has been submitted on behalf half of the petitioner that
from perusal of the case diary and the post mortem report, it
appears that the deceased died after 13 days of the date of
occurrence and further it has been submitted that the cause of
death is septicemia, which did not arise due to injury and the
petitioner has been falsely implicated in this case as there was



enmity between them from before and his whole family members have been implicated in this case.

It has also been submitted that the petitioner is in custody for last one year and the charge has also been framed in this case.

Heard learned A.P.P. also, who has opposed the prayer for bail.

Having heard both sides. In view of the fact that there is direct allegation against the petitioner, causing injury to the deceased and she died after 13 days of date of occurrence and considering all the aspects of the case as well as the fact that the charge has already been framed on 27.4.2016, I am not inclined to grant bail to the petitioner, accordingly, the same is rejected. However, the learned court below is directed to expedite the trial and to conclude the trial within a period of six months.

With the aforesaid observation this application is dismissed.

(Vinod Kumar Sinha, J)

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