

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29161 of 2016

Arising Out of PS.Case No. -40 Year- 2016 Thana -GANDHIMAIDAN District- PATNA

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Abhishek Kumar S/o Manoj Kumar Chaudhary Resident of Bujhar, P.S.
Dawath, District - Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Shashi Shekhar Kishore, Advocate.
For the State : Mr. APP
For the Informant : Mr. Surendra Kumar Singh, Advocate
Mrs. Tulika Singh, Advocate.
Mr. Avinash Shekhar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-09-2016 Heard learned counsel for the petitioner and learned counsel
for the State.

The petitioner is languishing in custody since 12.02.2016 in connection with Gandhi Maidan P.S. Case No. 40 of 2016 pending in the Court of Chief Judicial Magistrate, Patna registered for offences under Sections 364(A)/34 of the Indian Penal Code.

The prosecution story, in brief, is that on 10.02.2016 the husband of the informant Sri P.S. Ravinath, resident of Flat No. 3y, Mehar Kunj Apartment, New Patliputra Colony, P.S. Patliputra, Patna had left the office situated in Exhibition Road, Patna at about 5.30 P.M for his residence but did not reached the house till 11.02.2016. Information in this regard was given orally

at Gandhi Maidan Police Station at 12.00 P.M. The vehicle on which he had proceeded was Hyundai I-10 bearing No. BR 1AJ 6515.

On behalf of the petitioner, it is submitted that the petitioner is in custody since 12.02.2016. Charge-sheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. Petitioner is made accused due to mistake of fact. Petitioner is not named in the FIR. There is no eye-witness to the abduction taking place. There is admitted money dispute between the parties.

On behalf of the State and counsel for the informant, it has been submitted that the victim has named the petitioner under Section 164 Cr. P.C statement. The petitioner was apprehended along with the co-accused namely, Vivek Kumar Singh, and the victim. The bail of the other co-accused have been rejected vide Cr. Misc. No. 22321 of 2016 and Cr. Misc. No. 20675 of 2016.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The court below is directed to take all necessary steps to expedite the trial of the petitioner.

(Sudhir Singh, J)

Prakash/-

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