

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15039 of 2016

Arising Out of PS.Case No. -409 Year- 2014 Thana -SIWAN MUFFASIL District- SIWAN

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1. Akhilesh Dubey Son of Umesh Dubey resident of village - Babhnauli,
P.S. Assaon, District - Siwan Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Binod Singh

For the Opposite Party/s : Mr. Veena Kumari Jaiswal (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 17-05-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Siwan
Muffasil P.S. Case No. 409 of 2014 registered for the offences
punishable under Sections 302, 307, 326/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Allegedly, Rahmutullah Ansari the father of the
informant was shot and thereafter, he was brought at Sadar
Hospital, Siwan where Vikash Mishra and Sharda Nand Mishra
also came in injured condition and Vikash Mishra told the
informant that Bajrangi Pandey and Akhilesh Dubey (petitioner)
have caused the occurrence. When the father of the informant was
brought to P.M.C.H. in Ambulance with two injured, the father of
the informant succumbed to the injury.

Submission is of false implication and that the informant

is not the eye witness of the occurrence, Vikash Mishra has been examined vide para 71 of the case diary wherein he has stated the name of the petitioner also that both the miscreants fired whereas the injured Sharda Nand Mishra in his statement recorded in paragraph 70 of the case diary has stated that the man who was sitting on the back seat has shot and Vikash Mishra has stated that the petitioner was driving the motorcycle.

Learned APP opposes the prayer of bail by submitting that Vikash Mishra has specifically stated that both the criminals were making firing.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, considering the period of detention, let the trial be expedited and concluded as early as possible, preferably within nine months from the date of receipt/production of a copy of this order.

(Jitendra Mohan Sharma, J)

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