

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26724 of 2016

Arising Out of PS.Case No. -7 Year- 2009 Thana -INDUSTRIAL District- BHAGALPUR

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Ghungru Mishra Son of Late Chaturmand Mishra, Resident of village -
Babhangama, P.S. Bihpur, District - Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 29-08-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in Sessions Trial No.523 of 2015 arising out of Industrial P.S. case No.07 of 2009 (G.R. No.365 of 2009) instituted for the offence under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of learned 5th Additional Sessions Judge, Bhagalpur. After the death of the informant, Section 302 of the I.P.C. was added.

The prosecution case, in brief, is that 3.2.2009 at 6 P.M. the informant was going to fodder (husk) to his cow at his house, in the meantime the accused persons along with the petitioner came and fired upon him, due to which the informant sustained injury on his head and stomach. Then on alarm his son and other

family members came there and brought him to the Hospital for treatment.

By the earlier order dated 12.7.2016, a report was called for from the Trial Court. The same is at Flag 'A'. It has been reported that out of eight witnesses seven witnesses have already been examined and only the Investigating Officer is to be examined.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 3.7.2015. He has falsely been implicated in the present case. The prosecution witnesses have not supported the allegations made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner as the case is at the concluding stage. The application for bail is rejected. The Trial Court is directed to take all necessary steps to conclude the trial within a period of three months from the date of receipt/production of a copy of this order as only the Investigating Officer is to be examined in the present case.

The District Magistrate, Bhagalpur and the Superintendent of Police, Bhagalpur are also directed to ensure that the Investigating Officer is produced before the Trial Court on the date fixed for his examination so that the trial could be

concluded within the stipulated period.

Let this order be communicated to the District Magistrate, Bhagalpur and the Superintendent of Police, Bhagalpur.

(Sudhir Singh, J)

Narendra/-

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