

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26500 of 2016

Arising Out of PS.Case No. -185 Year- 2015 Thana -BHORE District- GOPALGANJ

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Vivek Singh son of Byas Singh Resident of Village- Bhore South Tola
Police Station- Bhore, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Smt. Veena Rani Prasadd. APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 26-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 07.04.2016 in connection with Bhore P.S. Case No. 185 of 2015, G.R. No. 3709 of 2015 pending in the Court of Judicial Magistrate 1st Class, Gopalganj registered for offences under Sections 385 and 387/34 of the Indian Penal Code.

The prosecution story, in brief, is that when the informant and his brother namely, Bindeshwari Gupta, was present at their TVS Motorcycle Agency on 23.11.2015 at 5 P.M, two persons arrived on motorcycle from the Kateya side and opened fire. It is further alleged that they had gone towards Bhore Bazar by opening fire. On 9.11.2015, a phone call was received on informant's mobile telling that one motorcycle and cash will send tomorrow morning, otherwise the Barat of the informant's nephew

will not go. He further told that I Vivek Singh is speaking from Bhore. It is further alleged that informant is in full faith that the person who had threatened on mobile is sole person for this occurrence.

On behalf of the petitioner, it is submitted that the petitioner is in custody since 07.04.2016. Charge-sheet has been submitted in the present case. There is no allegation of tempering of witnesses alleged against the petitioner. He has been made accused in the present case due to mistake of fact. Petitioner is not named in the FIR. Other co-accused has been granted bail vide Cr. Misc. No. 18663 of 2016.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. The other co-accused who has been granted bail is not named in the FIR and his name has come in course of investigation. Petitioner is involved in as many as six cases.

Considering the aforesaid facts and circumstances, I am not inclined to release the above named petitioner on bail, the prayer for bail is rejected.

(Sudhir Singh, J)

Prakash/-

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