

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23687 of 2017

Arising Out of PS.Case No. -689 Year- 2016 Thana -ARA NAWADA District- BHOJPUR

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1. Sheo Swami Mishra @ Chhotu Mishra S/o Tej Narayan Mishra Resident of Villate- Katira Friends Colony Bajaj Show Room Gali, Police Station- Ara Nawada, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 07-07-2017 Heard the parties.

This application is for grant of regular bail in connection with Ara Nawada P.S.Case No.689 of 2016, for the offences under Sections 302, 120B and 34 of the Indian Penal Code.

Allegation, as per F.I.R., is that the informant got an information from one Pyare Singh, on that he along with others went to the house of Pyare Singh and found his brother in injured condition there. It further appears that injured later on succumbed to the injuries.

It is submitted on behalf of the petitioner that though para 18 and 19 of the case diary discloses that four eye witnesses have named the petitioner as the assailant, however, the informant has filed a petition before the court, which he has filed along with the supplementary affidavit, in which he has denied that those witnesses are eye witnesses of the occurrence, as such there is no eye



witness of the occurrence and the petitioner has been falsely implicated in this case and he is in custody for about six months.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail, stating that the witness has stated in para 18 and 19 about involvement of this petitioner and apart from that in other paragraphs i.e. paragraph no.11, 12, 13, 14 and 16 also, witnesses though are not eye witness but had stated about involvement of the petitioner in this case on the hearsay basis.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner, however, the learned trial court is directed to expedite the trial and try to conclude it within a period of nine months and if not concluded, the petitioner is at liberty to renew his prayer for bail before the court below, who will consider whatever materials available on the record and he will pass reasoned order.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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