

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46924 of 2018

Arising Out of PS.Case No. -287 Year- 2014 Thana -BRAHMPUR District- BUXAR

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Vivek Mishra @ Vivek Kumar Mishra

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Chandra Pandey

For the Opposite Party/s : Mr. Sri S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 05-09-2018 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The petitioner appears to be main assailant and taking note of the aforesaid fact that earlier this court rejected the bail prayer of the petitioner but submission on behalf of the petitioner is that he is languishing in jail custody for near about four years and up till now, his trial could not be concluded.

The learned trial court has reported that the case was pending for recording the statement under section 313 of the Cr. P. C but due to none appearance of some co-accused, the bail bonds of those accused was cancelled and now the case is pending for appearance of those accused persons.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the



petitioner on bail and, accordingly, his prayer for bail in connection with S. T. No. 54 of 2015 arising out of Brahmpur P. S. Case No. 287 of 2014 pending in the court of 2nd Additional Sessions Judge, Buxar is, hereby, rejected.

However, the learned trial court is directed to proceed with the trial of the petitioner even by separating the case of the petitioner from the case of those accused, who have been absconding and disposed of the case of the petitioner within three months from the date of receipt/production of a copy of this order.

(Hemant Kumar Srivastava, J)

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