

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13218 of 2019**

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

Vivek Mishra @ Vivek Kumar Mishra, aged about 30 years, Male, Son of
Lallujee Mishra Resident of Village - Yogiya, P.S.- Brahmpur, District - Buxar

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan
For the Opposite Party/s : Mr. Anil Kumar

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 03-04-2019 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 324, 326,
429, 307, 302 of the Indian Penal Code and 27 of the Arms Act.

Earlier the prayer for bail of the petitioner was rejected
by this court and while rejecting the bail prayer of the petitioner
vide order dated 05.09.2018 passed in Cr. Misc. No. 46924 of
2018, this court directed the trial court to proceed with the trial
of the petitioner even by separating the case of the petitioner
from the case of other accused and dispose of the case of the
petitioner within three months from the date of
receipt/production of a copy of that order. The aforesaid



direction was given by this court because it was reported to this court that due to non-appearance of some accused the statement under Section 313 of the Cr.P.C. could not be recorded.

The learned Additional Sessions Judge-II-cum-Special Judge (Excise), Buxar vide letter no. 26 dated 15.03.2019 has reported that the order dated 05.09.2018 passed by this court in Cr. Misc. No. 46924 of 2018 was received in his court on 15.09.2018 by I/c Presiding Officer of his court as he was not available at the Station. The learned Additional Sessions Judge-II-cum-Special Judge (Excise) further reported that statements of all the accused including petitioner was recorded on 21.01.2019 and the record was fixed for defence evidence. The learned Additional Sessions Judge-II-cum-Special Judge (Excise) further reported that the trial of the petitioner was not separated by the trial of the other accused as all the accused had already appeared. He also reported that there are several sets of lawyers on behalf of accused persons and altogether eight petitions have been filed on behalf of defence. However, the case has been taken on day to day basis. Furthermore, he has reported that order dated 05.09.2018 passed in Cr. Misc. No. 46924 of 2018 was first time placed before him on 11.03.2019 when the order dated 06.03.2019 of this court was received to



him. He further reported that neither prosecution nor defence disclosed before him about the order dated 05.09.2018 passed in Cr. Misc. No. 46924 of 2018.

The report of learned Additional Sessions Judge-II-cum-Special Judge (Excise), Buxar presents a very sorrow state of affairs and it appears that the concerned officials are either in connivance with the accused or incompetent and negligent. However, the learned District and Sessions Judge, Buxar is directed to inquire into the matter and take appropriate action against the concerned officials after fixing responsibility in accordance with law.

So far as bail prayer of the petitioner is concerned, again, I am not inclined to release him on bail and accordingly his prayer for bail in connection with Sessions Trial No. 54 of 2015 arising out of Brahampur P.S. Case No. 287 of 2014 stands rejected.

The learned trial court is directed to conclude the trial of the petitioner expeditiously without giving unnecessary adjournments to the parties and try to conclude the trial of the petitioner within three months from the date of receipt/production of a copy of this order.

The learned District and Sessions Judge, Buxar shall



monitor the above stated case and send a report to this court
after disposal of the aforesaid case.

(Hemant Kumar Srivastava, J)

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