

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35875 of 2019

Arising Out of PS. Case No.-48 Year-2016 Thana- SAHPUR District- Bhojpur

Haresh Mishra Son of Shivajit Mishra Resident of Village - Sonbarsa, P.S.-
Shahpur, District - Bhojpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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

ORAL ORDER

4 20-11-2019 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 302 and other allied sections
of the Indian Penal Code and 27 of the Arms Act.

There is specific allegation against the petitioner that
he along with co-accused Brajesh Mishra made indiscriminate
firing and after that other accused made firing as a result of
which one person died whereas one person sustained injury.

Petitioner does have criminal antecedent which is
evident from perusal of para 3 of the petition.

Learned counsel appearing for the petitioner submits



that there is allegation of firing against all the FIR named accused and, therefore, it is not clear as to from whom firing deceased as well as injured sustained injury.

On the other hand, learned counsel appearing for the informant informs that after institution of the present case when trial of the petitioner and other accused commenced, one witness was killed and moreover, threatening to the witnesses is being given from the jail.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that trial of the petitioner has already commenced, I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with Sessions Trial No. 390 of 2016 arising out of Shahpur P.S. Case No. 48 of 2016 stands rejected.

However, learned trial court is directed to expedite the trial of the petitioner.

(Hemant Kumar Srivastava, J)

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