

Court No. - 76

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41736 of 2023

Applicant :- Baliya Uraon And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Amarjeet Yadav, Vibha Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Vikram D. Chauhan, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. In the present case, the applicants were earlier enlarged on bail by order dated 17.10.2008 and the charge was framed on 18.11.2011. The first information report was lodged on 20.8.2008. The applicants are not participating in the trial proceedings since 21.4.2014 and they are absconding. Thereafter, the applicants have been apprehended on 16.8.2023.

3. It is submitted by learned counsel for the applicants that the applicants were the residents of Jharkhand and their Advocate appearing in the trial court has informed them that whenever they were required, he would inform him for appearance. On the aforesaid basis, the applicant has not appeared before the trial court for last nine years.

4. Learned A.G.A. for the State opposed the prayer for bail and submits that the applicants are absconding for last nine years and they were avoiding the trial.

5. Considering the facts and circumstances of the case and the fact that the applicants are absconding from the trial proceedings for last nine years and the only explanation offered by the applicant that the Advocate has assured them that he will inform them. The Advocate is the agent of the applicants and for the act of the agent the principal is responsible. The trial is held up for last nine years at the behest of applicants, the bail application lacks merit and is hereby rejected.

6. The trial court is directed to decide the trial proceedings of Case Crime No.786 of 2008, under Sections 272, 273 I.P.C. and

Sections 60/63 of Excise Act, Police Station Madhuban, District Mau within a period of six months from the date of production of a certified copy of this order. In case, the trial proceedings of the aforesaid case is not concluded within six months, the applicants would be at liberty to file a fresh bail application in accordance with law.

Order Date :- 1.12.2023

Bhaskar