

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16714 of 2015

Arising Out of PS.Case No. -373 Year- 2013 Thana -AGAMKUAN District- PATNA

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1. Shambhu Kumar Yadav @ Shambhu Yadav Son of Khaja Rai!@Raja Rai
resident of Rustampur, Ps. Panchperia, P.s Raghapur, district Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 17-05-2017

Heard Mr. Bhanu Pratap Singh, learned APP for the
State.

2. The case has a chequered history.

3. The petitioner seeks bail in Agamkuan P.S. Case No.
373 of 2013 (G.R. No. 2978 of 2013), S.T. No. 317 of 2014 dated
04.10.2013 instituted under Sections 364 and 395 of the Indian Penal
Code.

4. This is the second attempt of the petitioner for bail as
earlier such prayer was rejected on 04.08.2014 in Cr. Misc. No. 13440
of 2014 with a direction to the Court below to conclude the trial
within six months.

5. On Interlocutory Application No. 1251 of 2014, the



Court by order dated 19.08.2015, had given provisional bail to the petitioner on the ground that he had to attend the 'Brahmbhoj' ceremony of his mother which was scheduled for 23.08.2015. The petitioner was directed to surrender before the Court below latest by 4th September, 2015. When the same was not done, this Court by order dated 23.09.2015 directed the Court below to take all coercive measures to ensure that the petitioner is taken into custody and further the Senior Superintendent of Police, Patna was also directed to verify as to whether the petitioner had surrendered before the Court and if not he was to ensure that the petitioner is taken into custody and produced before the Court.

6. On that day learned counsel for the petitioner had submitted that he had no instructions, as neither the petitioner nor anyone on his behalf was in touch with him. The Court repeatedly adjourned the matter waiting for report either from the Court or the police with regard to the petitioner being apprehended but the petitioner was absconding for almost 2 years.

7. Today, Mr. Bhanu Pratap Singh, learned APP informed the Court that the Senior Superintendent of Police, Patna has communicated to him that the petitioner has finally been arrested by a Special team, from Pune in the State of Maharashtra and has also been produced before the Court on 15.05.2017 which has sent him to



judicial custody.

8. In view of the petitioner having been granted provisional bail by this Court on 19.08.2015 with stipulation that he had to surrender latest by 4th September, 2015 and he had not done so for almost two years and due to repeated efforts of the police he has been arrested, proves the fact that the petitioner has misused the privilege granted by this Court and thus, in the considered opinion of this Court, he should not be granted bail as he may again not present himself before the Court to face trial.

9. For the reasons aforesaid, the Court is not inclined to grant bail to the petitioner. Accordingly, the petition stands dismissed.

(Ahsanuddin Amanullah, J)

Prakash/-

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