

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38458 of 2017

Arising Out of PS.Case No. -193 Year- 2004 Thana -PATLIPUTRA District- PATNA

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Bhirgu Nath Rai @ Bhirgu Rai @ Bhirgu Nath Yadav S/o- Late Govind
Yadav, resident of Village- Babapur, P.S.- Pranpur, District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 19-08-2017

Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sessions Trial No. 1285/2005 arising out of Patliputra P.S. Case No. 193/2004 registered for the offence punishable under Sections 147, 148, 149, 307, 324, 323 and 504 of the Indian Penal Code, pending before learned A.D.J. – III, Patna.

A perusal of the impugned order dated 26.05.2017 would show that the petitioner was earlier granted privilege of regular bail but he misused the said privilege and remained absconding since 2009, as a result of this non-cooperation on the part of the petitioner, the



trial of this case was not concluded.

It is a case under Section 364, 502/149 of the Indian Penal Code and also under the provisions of the Arms Act, seven witnesses are said to have been examined so far.

Considering the facts stated hereinabove, I am not inclined to grant regular bail to the petitioner.

Accordingly, prayer for regular bail of the petitioner is rejected.

The trial court is directed to conclude the trial by taking up the matter of day to day basis. The Superintendent of Police, Patna and the authorities responsible for monitoring both the cases in the court below are directed to produce the witnesses on the date fixed in the matter in order to cooperate with the trial.

However, liberty, as granted by the learned Sessions Judge to the petitioner, shall remain.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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