

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42617 of 2017

Arising Out of PS.Case No. -194 Year- 2008 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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1. Baiju Mahto @ Birju Mahto Son of Late Ramsevak Mahto, R/o Village-
Tetarapur, P.S.- Mohiuddin Nagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 14-09-2017 The petitioner seeks regular bail in connection with
Bhagwanpur P.S. Case No. 194 of 2008, registered for offences
punishable under Sections 366, 406 and 420 of the Indian Penal
Code.

Allegation against the petitioner is of kidnapping the
sister in law (bhabhi) of the informant.

It has been submitted on behalf of the petitioner that the
woman was recovered and her statement under Section 161 of
Cr.P.C has been recorded, in which she has not made any
allegation against the petitioner rather she has stated that she had
gone with the petitioner in search of her husband as her husband
was traceless for one year.

Learned counsel for the State opposed the prayer for bail



and submitted that the case is of the year 2008 and the petitioner has been absconding in this case and only after process of 82 and 83 Cr.P.C., he surrendered in the year 2017.

Having heard both sides, considering the facts and circumstances of the case and the conduct of the petitioner as he has been absconding in this case for last nine years, as such, I am not inclined to release the petitioner on bail, this application for grant of regular bail is, accordingly, dismissed.

However, the trial court is directed to expedite the commitment of case and after try to conclude the trial as soon as possible and after framing of charge, petitioner may renew his prayer for bail and if any such application is filed the court below after considering the submission of learned counsel for the petitioner and other materials available on record, shall pass an appropriate order as he deems fit and proper.

(Vinod Kumar Sinha, J)

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