

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52197 of 2018

Arising Out of PS. Case No.-250 Year-2003 Thana- MADHEPUR District- Madhubani

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1. Md. Salauddin @ Salauddin, son of late Md. Nazim @ late Shekh Nazir, Resident of Vilalge-Ganeshpur, P.S. -Marauna, District-Supaul.
 2. Balendra Yadav @ Balindra Yadav, son of Hitlal Yadav, R/o Village- Koni (Ganoura), P.S. -Marauna, District-Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Binod Kumar 2, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 08-01-2019 Heard learned counsels for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 17.04.2018 in a case registered for the offences punishable under Sections 395 and 412 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Bajrangi Panjiyar to the effect that on 13.10.2018, a robbery was committed in the house of the informant, leading to registration of FIR against 15-20 unknown. The name of the petitioners sprang up during investigation on the confession of co-accused Kanti Mukhiya and from whose possession the looted articles were recovered.

It is submitted by learned counsel for the petitioners that except the confessional statement of co-accused no



material has been collected against the petitioners during investigation. The petitioners are not named in the FIR. It is further submitted that similarly situated co-accused Ramji Mukhiya and Kailu Mukhiya from whose possession the recovery of looted articles has been made have been acquitted after facing trial. A statement has been made in paragraph no.3 of the petition that though petitioner no.1 was accused in two other cases of similar nature, but in both the cases he has been acquitted after facing trial, whereas, petitioner no.2 was accused in one other case, wherein he has been acquitted after facing trial.

Learned APP for the State after going through the case diary submits that though the case was registered in 2003 and the petitioners were charge-sheeted in 2007, but they were arrested on 17.04.2018. The petitioners remained absconding for more than 11 years.

Keeping in view the fact that the petitioners remained absconded for more than 11 years after submission of the charge-sheet, this Court is not inclined to grant bail to the petitioners for the present.

Accordingly, the prayer for bail of the petitioners in connection with Madhepur (Lakhanour) P.S. Case No.250 of



2003, pending before the learned SDJM, Jhanjharpur (Madhubani) is rejected.

However, it is expected from the trial Court to expedite the trial.

(Dinesh Kumar Singh, J)

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