

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56554 of 2019

Arising Out of PS. Case No.-172 Year-2004 Thana- BIBHUTIPUR District- Samastipur

RAM KUMAR YADAV @ RAM KUMAR RAI S/o Late Bharat Yadav @
Late Bharat Rai R/o village- Damodarpur, P.S.- Bibhutipur, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-12-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The present petition is by way of second attempt on behalf of the petitioner herein inasmuch as the earlier petition for grant of regular bail was permitted to be withdrawn by an order dated 25.01.2019 passed by this Court in Criminal Misc. No. 4049 of 2019, with a direction to the concerned trial court to expedite the trial.

The petitioner has approached this Court for grant of bail in connection with Bibhutipur P.S. Case No. 172 of 2004, S.T. No. 1/18 for the offence registered under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner has submitted



that the charges have been framed on 02.06.2018 but since then only two prosecution witnesses had turned up and the trial is not likely to be completed in the near future, whereas the petitioner is languishing in custody since 28.11.2017, hence it is prayed that the petitioner be enlarged on bail.

I have heard the learned counsel for the petitioner and the learned A.P.P. for the State and I find from the records that the petitioner along with his brother Raj Kumar Yadav are alleged to have shot dead the husband of the informant lady by firing on the chest of the deceased and though the occurrence is of the year 2004 and the FIR was also lodged in the year 2004 itself, the petitioner had been absconding for several years and only on 28.11.2017, the petitioner could be remanded in the present case and that too after he was found in custody in connection with another criminal case. Thus, it is apparent that the petitioner is not only having a criminal antecedent, but he had also been declared an absconder, hence it would not be in the interest of justice to grant the privilege of bail to the petitioner herein. Moreover, it appears from the report sent by the learned Additional Sessions Judge-II, Rosera, Samastipur dated 04.11.2019 that the charges have already been framed against the petitioner whereafter three prosecution witnesses



have been examined. It has been further submitted in the said report that P.W. 1 and P.W. 2 have specifically and categorically deposed, in the on going trial, about the involvement of the petitioner in the murder of the deceased. It has also been stated in the report that the trial is likely to be concluded within a period of six months, if all concerned cooperate with the learned court below. This Court further finds that there has been no change in circumstances from the time, the earlier bail petition of the petitioner was permitted to be withdrawn i.e. by an order dated 25.01.2019, till date.

Having regard to the facts and circumstances of the cases and for the reasons mentioned herein above, there is no merit in the present petition, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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