

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83686 of 2019

Arising Out of PS. Case No.-75 Year-2018 Thana- RIVILGANJ District- Saran

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DEVENDRA RAI @ DEVENDERA KUMAR @ DARENDRA KUMAR
Son of Late Dharmnath Prasad Yadav @ Late Dharmnath Prasad Rai Resident
of Village- jalalpur, P.S.- Revilganj, District- Saran Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Adv
For the Opposite Party/s : Ms.Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 17-06-2020 Heard learned counsel for the petitioner as well as

learned APP through video conferencing.

Seen the report submitted by the learned lower court
wherefrom it is evident that one of the accused, Prakash Rai is
absconding since 17.05.2019, against whom warrant of arrest
bailable as well as processes under Section 82 & 83 have
already been issued. Furthermore, it is also evident that save and
except doctor and I.O. all the material witnesses have already
been examined.

Learned counsel for the petitioner has submitted that
petitioner happens to be under custody since 14.03.2018. Also
submitted that other co-accused, Prakash Rai (absconder) has
also been granted bail vide Cr. Misc. No. 34876/2018 while
Vijay Rai has been granted bail under Cr. Misc. No.
74054/2018.

Learned counsel for the petitioner further submitted



that Prakash Rai has been kidnapped by the prosecution party itself and for that Complaint Case No. 1578/2019 was filed by his father, Raju Rai and on the basis thereof, Ravilganj PS Case No. 279/2019 has been registered. Also submitted that in the background of prevailing extra-ordinary situation due to COVID-19, the physical court could not be plausible and so, the cumulative effect did justify the release of the petitioner.

On the other hand, learned APP opposed the same.

Prayer for bail of the petitioner is successively found rejected at earlier occasions identifying his status during course of commission of the crime. In the background of abscondance of Prakash Rai, processes have already been issued, the learned lower court is directed to bifurcate the trial or proceed in accordance with Section 299 of the CrPC and further, will procure presence of doctor and I.O. and for that Superintendent of Police, Saran at Chapra is directed to have their presence at the earliest whenever required by the court and in terms thereof, instant petition for regular bail is, hereby, rejected.

(Aditya Kumar Trivedi, J)

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