

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12979 of 2021**

Arising Out of PS. Case No.-120 Year-2000 Thana- MAHNAR District- Vaishali

PRAMOD RAI Son of Budhu Rai Resident of Village- Lavapur, P.S.-
Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr.Madhuranand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 26-08-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Madhuranand Jha, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Mahnar P.S. Case No.120/2020 registered for
the offences punishable under Sections 302, 201 and 394/34 of
the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is not named in the First Information Report. The only
thing against him is that he was on the motorcycle with the
deceased and was lastly seen with him.

Learned counsel submits that in fact the petitioner was

in custody for about 8 years while facing trial in another case in which he has been convicted and this petitioner was granted bail by the Hon'ble Division of this Court in Criminal Appeal (DB) No.845/2012 on 25.03.2014 but unfortunately because of wrong legal advice this could not be brought to the notice of the Court.

Learned APP for the State has drawn the attention of this Court towards the materials indicated in the impugned order dated 12.10.2020 passed by the learned Sessions Judge, Vaishali at Hajipur. It is pointed out that the petitioner in this case was charge-sheeted showing him as absconder. After the cognizance was taken and he was remanded in this case on 31.01.2002, he absconded on 31.01.2004 from judicial custody. It is further pointed out that despite issuance of all the processes by the court below he did not surrender and finally he was declared absconder. He has been arrested on 05.08.2020 only. The petitioner bears serious criminal background, this case is 20 years old and in the given background of the conduct of the petitioner if he is released on bail, there would be no chance of conclusion of trial in this case.

Considering the facts and circumstances of the case wherein not only that the petitioner is an accused in this case of murder on the allegation that he was seen lastly with the

deceased, his criminal antecedents stated in paragraph '3' shows that he is a convict in Bidupur P.S. Case No.147 of 2000 and there is a Criminal Appeal (DB) No.845/2012 which is pending before this Court. The background of the petitioner gains importance because he absconded from judicial custody and has been arrested only on 05.08.2020. During his stay in jail in connection with another case, he did not bring this to the notice of the learned court and came out on bail and enjoyed the privilege, this Court, therefore agrees with the submission of learned APP for the State that release of the petitioner without conclusion of trial would not be in the interest of justice. The prayer for bail is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.