

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18548 of 2021**

Arising Out of PS. Case No.-7 Year-2017 Thana- BARH District- Patna

Balram Yadav, S/O Bindeshwar Yadav, R/O Village-Jalalpur, P.S.-BELCHHI
And District-Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

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

2 30-07-2021 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. Yogendra Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sessions Trial No. 502(A) of 2018 arising out of Barh P.S. Case No. 07 of 2017 registered for the offence punishable under Section 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that on perusal of the First Information Report it would appear that the wife of the deceased who is the informant before this Court is

not an eye witness to the alleged occurrence. The allegation is that of indiscriminate firing by the accused persons.

Learned counsel for the petitioner submits that in this case the petitioner has been involved due to political rivalry, however, there is no specific allegation against the petitioner and the co-accused Arvind Yadav and Viveka Yadav have been granted bail in Cr. Misc. No. 27729 of 2019. Co-accused Pappu Yadav has been granted bail in Cr. Misc. No. 60647 of 2019 by learned coordinate Bench of this Court.

The petitioner in the present case has been produced in connection with this case on 02.11.2020 after his arrest in another case.

On the other hand, Mr. Yogendra Kumar, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. Learned counsel submits that on perusal of the First Information Report as well as the seizure list it would appear that the allegation of firing by several co-accused have been made. At least 10 empty cartridges were recovered from the place of occurrence. It is pointed out by learned A.P.P. that this case was lodged on 08.01.2017. The co-accused who were in custody in connection with this case for almost two years only have been granted bail by learned coordinate Benches of this

Court in the year 2019. So far as this petitioner is concerned, he has got four criminal antecedents, however, he did not surrender in connection with this case, remained absconding and ultimately the learned trial court had split up the record of this petitioner along with other co-accused Anirudh Yadav who is still absconding.

Learned A.P.P., therefore, submits that considering the facts that the petitioner has come in custody in connection with this case after absconding for a long time only recently on 02.11.2020, if released on bail would be a hindrance in early conclusion of trial.

Considering the facts and circumstances of the case, this Court agrees with the submission of learned A.P.P. for the State. The petitioner is facing cases since the year 2008 and is an accused in this case of the year 2016 was absconding and has been brought in this case on production warrant only after his arrest in another case. The co-accused were granted bail after two years of custody. Because of the conduct of the petitioner his trial could not be concluded as the learned Additional District and Sessions Judge 1st, Barh, Patna has recorded that the records were to be split up, in these facts and materials, this Court is not inclined to release the petitioner on bail. The prayer

for bail of the petitioner, is, thus, refused.

Let the trial be expedited.

If the trial remains unconcluded for a period of two years of custody of the petitioner for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(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'.