

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27177 of 2021

Arising Out of PS. Case No.-269 Year-2018 Thana- KUDHNI District- Muzaffarpur

MANISH KUMAR ROY @ MANISH KUMAR RAY SON OF ARVIND
KUMAR RAY R/O VILLAGE- SACHI PATT, HATHSARGANJ, P.S.-
TOWN, DISTRICT- VAISHALI.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-10-2021 Heard learned counsel for the petitioner and Mr.
Jharkhandi Upadhyay, learned A.P.P. for the State.

This is the second of the petitioner to obtain regular
bail in connection with Kudhni P.S. Case No. 269 of 2018
registered for the offences punishable under Sections 395 and
412 of the Indian Penal Code.

Earlier considering that it is case of bank loot and the
petitioner has got eight cases of serious offences on his head and
there were various paragraphs in the case diary showing
sufficient materials against the petitioner this Court refused to
enlarge him on bail.

In the second attempt this Court called for a report
from the learned trial court as to the present stage of the trial.



The report received shows that this case is still awaiting for commitment because the four bailed out accused persons are not putting appearance before the learned court below. One of the co-accused Chandan Rai is absconding as per charge-sheet and warrant of arrest has been issued against them. The learned trial court is looking for appearance of the bailed out accused.

Learned counsel for the petitioner submits that the petitioner is in custody in connection with this case since 01.06.2019, therefore more than two years have gone but the trial has not proceeded.

On the other hand, learned A.P.P. for the State submits that in this case not only the seriousness of the allegations and the severity of the punishment are required to be taken into consideration, the kind of materials, the criminal antecedent of the petitioner and further fact that those who are bailed out are not putting appearance before the court and thereby delaying the further process are also required to be looked into. It is submitted that there is every reasonable belief in the mind of the prosecution that if released on bail at this stage, the trial of the case will get further delayed.

Considering the submissions recorded hereinabove and on finding that the petitioner is involved in a serious offence



and there are enough materials against him as also the fact that the co-accused who have been granted bail are not putting appearance before the learned court below and that is delaying the trial, this Court is of the view that the petitioner cannot get benefit out of that delay. The prayer for bail of the petitioner is, thus, refused.

The trial court is expected to proceed with the case as early as possible, take all appropriate steps to procure the appearance of the absconding accused and the bailed out accused and in this effort of the learned court below, Superintendent of Police, Vaishali shall personally ensure that all the warrants issued by the learned court below are duly executed so that the prosecution does not fail to proceed with the matter.

Let a copy of this order be sent to the Superintendent of Police, Vaishali for appropriate action.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/rajeev

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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'.

