

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36847 of 2021**

Arising Out of PS. Case No.-223 Year-2019 Thana- PATEPUR District- Vaishali

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RAKESH MAHTO @ RAJEEV @ RAJEEV RANJAN S/O MAHESHWAR
MAHTO R/O VILLAGE-MALPUR AGRAIL, P.S-SAKARA, DISTRICT-
MUZAFFARPUR, BIHAR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Bakshi S.R.P. Sinha, Sr. Advocate
	:	Ms. Pratima Kumari, Advocate
For the Opposite Party/s	:	Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-08-2021 Heard Mr. Bakshi S.R.P. Sinha, learned Senior

Counsel for the petitioner and Ms. Indu Kumari Srivastava,

learned APP for the State.

This is the third attempt of the petitioner to obtain bail

in connection with Patepur P.S. Case No. 223 of 2019 registered

for the offences under Section 30(a) of the Bihar Prohibition and

Excise Act, 2018.

Learned Senior Counsel for the petitioner has taken

this Court through the observations made in the order dated

23.12.2020 passed in Cr. Misc. No. 29167 of 2020. The

operative part of the order records the report of the learned trial

court and based on that this Court observed that in case the trial

is not concluded within the period of four months from the date of the order, the petitioner may renew his prayer for bail.

In the aforementioned background when this Court called for a report from the learned trial court as to the present stage of the trial, it has been informed to this Court that all the charge-sheet witnesses stand examined in this case, however, the matter could not proceed because one of the accused namely, Rajeev Kumar Rai has misused the privilege of bail. His bail bond was cancelled on 02.02.2021, he was absconding so after issuance of non-bailable warrant of arrest, process under Section 83 Cr.P.C. was issued on 01.04.2021. He has been finally arrested on 18.07.2021.

The learned trial court has thus, informed this Court that a further four months time may be allowed for conclusion of the proceeding.

Learned A.P.P. for the State submits that the petitioner cannot be allowed to take advantage of the wrong of the co-accused who did not allow the trial to proceed since the month of February, 2021.

Considering the facts and circumstances and the trial court's report, this Court is not inclined to release the petitioner on bail.

Let the trial be completed within a period of four months from the start of physical functioning of the court, failing which the petitioner will have the liberty to renew his prayer for bail.

This 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'.