

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6328 of 2021

Arising Out of PS. Case No.-172 Year-2004 Thana- BIBHUTIPUR District- Samastipur

RAM KUMAR YADAV S/o Bharat Yadav Resident of Village-Damodarpur,
P.S.-Bibhutipur, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2021 The present petition has been filed by way of third attempt at the behest of the petitioner for grant of regular bail in connection with S.T. No. 01 of 2018 arising out of Bibhutipur P.S. Case No. 172 of 2004 for the offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act inasmuch as the earlier two petitions filed by the petitioner for grant of bail has already been rejected vide order dated 25.01.2019 passed in Criminal Misc. No. 4049 of 2019 and order dated 18.12.2019 passed in Criminal Misc. No. 56554 of 2019, respectively.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 28.11.2017 and till date the trial has not been concluded.

I have heard the learned counsel for the parties and perused the records. It would be relevant to reproduce the relevant portion of the order dated 18.12.2019 passed in Criminal Misc.



No. 56554 of 2019 herein below:-

“I have heard the learned counsel for the petitioner and the learned A.P.P. for the State and I find from the records that the petitioner along with his brother Raj Kumar Yadav are alleged to have shot dead the husband of the informant lady by firing on the chest of the deceased and though the occurrence is of the year 2004 and the FIR was also lodged in the year 2004 itself, the petitioner had been absconding for several years and only on 28.11.2017, the petitioner could be remanded in the present case and that too after he was found in custody in connection with another criminal case. Thus, it is apparent that the petitioner is not only having a criminal antecedent, but he had also been declared an absconder, hence it would not be in the interest of justice to grant the privilege of bail to the petitioner herein.”

This Court finds that there has been no change in circumstance from the time the earlier bail petition of the petitioner was rejected, till today, hence there is no occasion to reconsider the prayer of the petitioner for grant of bail.

Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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