

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31595 of 2020

Arising Out of PS. Case No.-159 Year-2017 Thana- BITHAN BAZAR District- Samastipur

GOPAL KUMAR SONI Son of Ramchandra Sah Resident of Village -
Haripur, P.S.- Alauli, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 12-02-2021

Heard learned counsel for the parties.

This application for regular bail arises out of Bithan P.S. Case No. 159 of 2017, disclosing the offence punishable under Sections 302, 120-B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is not named in the FIR. It transpires from the case diary that his name surfaced during course of investigation on the basis of confessional statement of co-accused Pankaj Kumar Mahto. The disclosure was made by him in 2017. It is the petitioner's case that he was not aware about his implication on the basis of confessional statement of a co-accused in the present case, and, therefore, for the first time in 2019, when he learnt about it, he started taking steps for his



release on anticipatory bail. He had filed an application for grant of anticipatory bail, which was dismissed as withdrawn consequent upon his arrest, in the meanwhile, in 2020.

From perusal of the case diary, on the other hand, it transpires that the steps were taken for arrest of the petitioner and raids were regularly conducted by the police to apprehend him. He, however, managed to remain away from the process of investigation throughout till he was arrested in 2020.

Co-accused Pankaj Kumar Mahto described vividly the manner in which the offence was committed and there are materials to corroborate his evidence as available in the case diary. Since the petitioner was not apprehended, the trial had to be bifurcated and thus got delayed.

Learned counsel for the petitioner informs this Court that co-accused Pankaj Kumar Mahto, Sonu Kumar and Anil Mahto have been convicted by the trial court.

Considering the circumstance that the petitioner could not be apprehended for nearly three years after his name surfaced during course of investigation and because he remained away from the process of investigation the trial had to be bifurcated, I am not inclined to grant him privilege of regular bail for the present.



This application is accordingly rejected.

It appears from the report received from the court below that charges have been framed. The Court expects the trial to be expedited in the facts and circumstances of the case. If there is no substantial progress at the trial, the petitioner shall be at liberty to renew his prayer for bail after six months.

(Chakradhari Sharan Singh, J)

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