

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41074 of 2020

Arising Out of PS. Case No.-114 Year-2014 Thana- RAJIVNAGAR District- Patna

MITHUN PASWAN @ MITHUN NEPALI @ MUTHUN KUMAR SON OF
RAMNATH PASWAN RESIDENT OF VILLAGE - KHASHPUR, P.S. -
MANER, DISTRICT - PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-04-2021 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Rajivnagar P.S. Case no. 114 of 2014 registered under sections 399 and 402 of the Indian Penal Code and section 25(1-B)(a), 26 and 35 of the Arms Act to which section 414 of the Indian Penal Code was added subsequently.

It is submitted by learned counsel for the petitioner that the petitioner had been granted bail on merits by order dated 19.5.2015 and charge was framed in the case on 23.5.2015. However, as the petitioner had gone to Punjab in search of a job, due to lack of proper 'parvi' by the 'parvikar', the bail bond of the petitioner was cancelled and he was subsequently arrested on 21.4.2020. It is submitted that in a case of misuse of bail he has remained in custody for over 1 year.

The application for bail is opposed by learned counsel



for the State.

Having heard learned counsel for the parties, it transpires that even after cancellation of bail bond of the petitioner on 21.7.2015, he continued to abscond for over four and half year till he was arrested on 21.4.2020. The delay in the trial was solely due to the act of the petitioner.

In the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail and as such the same is rejected.

However liberty is granted to the petitioner to renew his prayer for bail after six months, in case there is no substantial progress in the trial.

Let a copy of this order be communicated to the learned Trial Court.

(Partha Sarthy, J)

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