

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27039 of 2021

Arising Out of PS. Case No.-714 Year-2019 Thana- GARKHA District- Saran

Rahul Rai, S/o Jitendra Kumar @ Jitendra Rai, Resident of Village - Mathiya,
Jilkabad Pachbharia, P.S. - Garidha, Distt. - Saran at Chapra.

... .. Petitioner/s

Versus

The Stare of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kumari, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 15-02-2022 The only ground raised for considering this second bail application in respect of offence punishable under Section 302 r/w Section 34 of the Indian Penal Code is to the effect that as per order dated 06.10.2020 passed in Criminal Misc. No. 22477 of 2020 by a coordinate Bench of this Court, the applicant is permitted to renew his prayer for bail on completion of one year in custody and the applicant has already completed one year in the custody.

Apart from this, it is averred by the learned counsel for the applicant that the incident is dated 31.10.2019 and the complaint was filed on 13.11.2019.

There is no provision in law to grant default bail only because the applicant has undergone certain period as under trial accused, only because the Court granted liberty to him to renew



his prayer. The matter has to be adjudicated on merits of the prosecution case.

Despite repeated requests by the Court to the learned counsel for the applicant to place on record the case diary for ascertaining merits of claim for grant of bail, the learned counsel for the applicant is not willing to place the case diary on record of this Court.

In this view of the matter, no case for grant of bail to the applicant/accused is made out. Accordingly, the application is rejected.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

Bhardwaj/-

(A. M. Badar, J)

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