

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29268 of 2021

Arising Out of PS. Case No.-283 Year-2009 Thana- BAKHTIARPUR District- Saharsa

=====

ARUN YADAV Son of Babua Yadav @ Babuan Yadav @ Babuyan Yadav
Resident of Village - Sakra Paharpur, (O.P. Balwa Haat), P.S.- Bakhtiyarpur,
District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Satyanand Shukla, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 24-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 498 and 34 of the Indian Penal Code.

As per the prosecution case, the wife of the informant disappeared and it transpired that the three named accused persons including the petitioner herein had a hand in her disappearance.

It is submitted by learned counsel for the petitioner that the F.I.R. was lodged after a delay of 45 days. The petitioner was enlarged on bail vide order dated 26.2.2010 (Annexure-2 to the supplementary affidavit). However,



subsequently chargesheet was submitted on 30.4.2010 under section 376 of the Indian Penal Code besides other sections. The petitioner moved for anticipatory bail but the same was rejected vide order dated 11.2.2015. The petitioner is a daily wage earner and did not have information about the rejection of his anticipatory bail. He was ultimately taken into custody on 18.1.2021 and is in custody since then.

The application for bail is opposed by learned A.P.P. for the State who submits that on return, the statement of the wife of the informant was recorded under section 164 Cr.P.C. wherein she made specific allegation against the petitioner. In spite of chargesheet having been submitted under section 376 of the Indian Penal Code in the year 2010, the petitioner continued to abscond and even on rejection of his application for anticipatory bail by this Court by order dated 11.2.2015, the petitioner did not surrender for nearly six years till he was taken into custody on 18.1.2021.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.



Liberty is granted to the petitioner to renew his prayer
for bail after six months in case there is not much progress in
the trial.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

