

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26626 of 2022

Arising Out of PS. Case No.-17 Year-2007 Thana- KORMA District- Sheikhpura

Kanhaiya Ram, S/o Bacchu Ram, R/o Village- Bhadausi, P.S.- Korma,
District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Bipin Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Korma P.S. Case No. 17 of 2007 registered for the offence punishable under Section 395 of the Indian Penal Code.

As per prosecution case, it is alleged that on 09.04.2007, while the informant along with other seven labours were doing construction work of School, in the meantime 12-13 miscreants having armed with deadly weapon came there and looted wrist watch, chain, ring etc. The accused persons also



threatened them with dire consequences, if they raise any alarm. It is further alleged that earlier on 07.04.2007, 40-50 persons came there in intoxicated position and also assaulted Satish Mahto.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R., however his name has been transpired during the course of the investigation, on the basis of the statement of other co-accused persons. He next submits that though the case was registered in the year 2007 and charge sheet has been submitted on 30.09.2008 showing the petitioner as an absconder and from the record it appears that all the process have been exhausted by the court, but the petitioner has never received any information nor he came to know about the present case. He lastly submits that the petitioner is in custody since 03.01.2022 and he is giving undertaking that he will remain present on each and every day before the court below till conclusion of the trial.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has criminal antecedent and further he remained absconded for about fifteen years.

Regard being had to the facts that the petitioner



remained absconder for 12 years of long period, though he has been declared absconder way back in the year 2008 itself, this Court is not persuaded to enlarge the petitioner on bail for present.

However, the petitioner is at liberty to renew his prayer for bail after framing of the charge.

Accordingly, the present application stands dismissed with the aforesaid liberty.

(Harish Kumar, J)

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