

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38498 of 2021**

Arising Out of PS. Case No.-132 Year-2010 Thana- PATEPUR District- Vaishali

=====

Bundel Rai @ Bunde Lal Rai, S/o Late Pragas Ray, R/o village- Sherpur
Shankar Das, P.S.- Patepur, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Ms. Soni Srivastava, Advocate

Mr.Nilesh Sinha, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 31-01-2022 Heard Ms. Soni Srivastava, learned counsel for the

petitioner assisted by Mr. Nilesh Sinha, learned Advocate on

Record and Ms. Asha Devi, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Patepur P.S. Case No. 132 of 2010 registered
for the offences punishable under Section 302/34 of the Indian
Penal Code bearing S. Tr. No. 91/2021. He is in custody since
01.09.2020 having no criminal antecedent as stated in paragraph
'3' of the application.

Learned counsel for the petitioner submits that the
petitioner is a co-villager of the informant. Allegations against
the petitioner and his wife are that they had assaulted one
Sangita Kumari (deceased) who happened to be the Natini of the
informant as a result of the said assault said Sangita Kumari had



died.

Learned counsel for the petitioner submits that the alleged occurrence is said to have taken place on 27.09.2010, but the F.I.R. has been lodged on 28.09.2010. It is further submitted that the post-mortem report (Annexure '2') does not disclose any ante-mortem injury on the body of the deceased. So far as the Viscera report is concerned, the same is not within the knowledge of the petitioner.

Learned counsel submits that the co-accused, who happened to be the wife of the petitioner, has been granted privilege of bail by a learned coordinate Bench of this court in Cr. Misc. No. 900/2021 vide order dated 25.05.2021 after taking note of the submission that the said petitioner was a lady with three minor children and was in custody for about seven months.

Learned counsel has further submitted that on query made by this court that in this case altogether 14 charge-sheeted witnesses are there, the trial has begun and two witnesses have been examined so far who have been declared hostile. Learned counsel for the petitioner has further clarified that though the wife of the petitioner had moved this court earlier in anticipatory bail in Cr. Misc. No. 21407/2011 which was not



pressed but this petitioner had not moved for anticipatory bail.

On the other hand, Ms. Asha Devi, learned A.P.P. for the State submits that this case is of the year 2010. The petitioner did not surrender on his own in this case for over ten years and it is only after his arrested when the records have been opened and now the trial is in progress. It is submitted that considering the fact that the petitioner was fully aware of this case, his wife's prayer for anticipatory bail was not pressed in the year 2011 but the petitioner did not submit himself to the jurisdiction of the court, his conduct is such that the petitioner does not deserve privilege of bail at this stage because in such case there is every possibility that the trial may not be concluded at an early date.

Considering the submissions advanced on behalf of the petitioner and learned A.P.P. for the State and upon finding that this petitioner was absconding for about ten years and he has been brought to the jurisdiction of this court only after his arrest and further that the trial has already begun and witnesses are being examined, this court is not inclined to enlarge the petitioner on bail at this stage.

Prayer for bail of the petitioner is, thus, refused.

Let the trial be expedited. The trial court is expected



to proceed with the trial on regular basis keeping the records on a shorter date and conclude the trial as early as possible preferably within a period of six months from the date of communication of this order. The prosecution must cooperate by producing all the witnesses on the date fixed in the matter.

If the trial still remains unconcluded within the aforesaid period for reason attributable to the petitioner, he may renew his prayer for bail.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

