

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43124 of 2021

Arising Out of PS. Case No.-86 Year-2003 Thana- MOTIPUR District- Muzaffarpur

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UMESH RAI S/o Late Nathuni Rai R/o village- Aswari Banjariya, P.S.-
Kathaiya, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-04-2022 Heard Mr. Shailendra Kumar Dwivedi, learned

counsel for the petitioner and Mr. Satyendra Prasad, learned

Additional Public Prosecutor for the State.

Petitioner seeks regular bail in connection with
Motipur PS Case No. 86/2003 registered for the offence
punishable under Section 302/34 of the IPC and under Section
27 of the Arms Act.

Petitioner is an absconder and has misused the
privilege of bail granted by this Court in the year 2007 *vide* Cr.
Misc. No. 13071/2007.

Learned counsel for the petitioner submits that the
petitioner appeared before the learned court below regularly
after grant of bail and due to the fact that he went to Delhi for
earning his livelihood, he could not appear in the trial regularly
and his bail bond was cancelled on 20.05.2016. *Vide* order
dated 29.11.2018, he was declared absconder. However, the



petitioner was arrested in some other cases relating to Excise Act and he was remanded in this case on 28.01.2021 and since then he is in custody.

This Court *vide* its order dated 03.02.2022 had called for a report from the court of 15th Additional Sessions Judge, Muzaffarpur regarding stage of the trial and in pursuance thereof, the learned court below *vide* its letter no. 58 dated 8th of February, 2022 has stated that the trial of the instant case has commenced and out of nine witnesses, four witnesses have been examined and cross-examined and further the trial court has given estimated time for completion of the trial within a period of six months.

Since the petitioner has been absconding for a period of four years, I am not inclined to grant regular bail to the petitioner. Accordingly, the prayer for bail of the petitioner is rejected.

However, the petitioner, if so advised, may renew his prayer for bail after six months if the trial is not completed.

(Anil Kumar Sinha, J)

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