

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50345 of 2021

Arising Out of PS. Case No.-190 Year-2013 Thana- MINAPUR District- Muzaffarpur

RAJESH KUMAR YADAV Son of Rameakbal Rai Resident of Village -
Bhimalpur Katha, P.S.- Mehshi, Dist.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-03-2022 Heard learned counsel for the parties .

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 365 and 379 of the Indian Penal Code.

As per the prosecution case, the four accused persons on two motorcycles are stated to have robbed the informant on the point of a pistol of his belongings as described in the FIR.

It is submitted by learned counsel for the petitioner that the FIR was registered against four unknown. The name of the petitioner transpired in course of investigation in the confessional statement of co-accused made before police which is inadmissible. The petitioner is in custody since 2.12.2020 and has been falsely implicated in the case because of his antecedents. He undertakes to cooperate in the trial.



The application for bail is opposed by learned APP for the State who submits that the FIR is of the year 2013. Referring to the order of the learned trial court, it is submitted that the petitioner escaped from the Court *Hazat* and his trial had to be split.

Report was called for from the learned trial court. As per the report received contained in letter dated 7.3.2022, 2 out of the 6 chargesheet witnesses have been examined on behalf of the prosecution.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the conduct of the petitioner having escaped from the Court *Hazat* and the trial could not be completed and his having absconded for 7 years, 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.

(Partha Sarthy, J)

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