

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65346 of 2021

Arising Out of PS. Case No.-9 Year-2012 Thana- KANTI District- Muzaffarpur

MD. KAUSHAR S/o Md. Yusuf R/o Village- Manikpur Narottam, Sirsiya
Buzurg, P.S.- Kanti, Dist. Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar
For the Opposite Party/s : Mr. A. G.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2022 Heard learned counsel for the parties in Virtual Court proceeding.

Let the defect(s), as pointed out by the office, be removed within four weeks of start of normal functioning of the physical Court.

The petitioner is in judicial custody in connection with Kanti P.S. Case No. 09/2012 registered under Sections 302/201/120(B) of the Indian Penal Code.

As per the prosecution story, the nephew deceased came home late night whereafter three persons came on two motorcycles and took him away. It was later found that he was strangled and dead body was thrown in orchard. It is further alleged in the FIR that the accused persons used to transact money with his nephew and due to non-fulfillment of the



demand, this killing was done. The informant apprehended that the accused persons named in the FIR as also the unnamed persons hatched conspiracy which led to killing of his nephew. The FIR was lodged on 04.01.2012 and thereafter the investigation was done. The petitioner's named cropped up in course of investigation but he chose to evade arrest or in this case for nine long years and no plausible reason is there to support the said long absence.

Taking into the account the aforesaid fact that it is only in 2021 that the petitioner was finally taken into the judicial custody in this case, it would be improper for this Court to grant him any relief and the bail application is hereby rejected.

Since the matter is of 2012; the Trial Court is directed to expedite the trial and take the same to its logical conclusion without any unnecessary adjournment.

The bail application is rejected with the aforesaid observation.

(Rajiv Roy, J)

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