

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69819 of 2022

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

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UMESH RAI @ UMESH RAY SON OF LATE NATHUNI RAI R/O
VILLAGE- ASWARI BANJARIYA, P.S.- KATHAIYA, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.
Mr. Arvind Kumar

For the Opposite Party/s : Mr. Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-12-2022 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No. 93 of 2007, arising out of Motipur Police
Station Case No. 86 of 2003, registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was dismissed by this Court, vide order, dated
25.04.2022, passed in Criminal Misc. No. 43124 of 2021, giving
liberty to the petitioner to renew his prayer for bail after six
months, if the trial is not concluded.



The prosecution case, as per the First Information Report, is that the informant was intercepted by four miscreants while he was driving his car and the accused persons, on the gun point, snatched the said car and the mobiles of the informant and his friend and fled away. It is further stated in the First Information Report that the informant can identify the miscreants.

The petitioner was granted bail by this Court vide order, dated 18.05.2007, passed in Criminal Misc. No. 13071 of 2007 and after attending the trial for sometime, the petitioner absconded on 20.05.2016 and was remanded in this case on 28.01.2021 from a case lodged against the petitioner under the provisions of the Bihar Prohibition and Excise Act, 2016.

Learned Senior Counsel for the petitioner submits that the petitioner went outside for earning his livelihood and due to which, he could not attend the Court regularly. He further submits that the petitioner undertakes to attend the Court regularly if he is released on bail. He further submits that since the date of last rejection of the prayer for bail of the petitioner, the trial has not progressed inasmuch as no further prosecution witness has been examined in the trial with effect from 25.04.2022.



Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 28.01.2021, this is a case of misuse of privilege of bail and this is second attempt on behalf of the petitioner for grant of bail, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 18th Additional Sessions Judge, Muzaffarpur, in connection with Sessions Trial No. 93 of 2007, arising out of Motipur Police Station Case No. 86 of 2003.

This is subject to the conditions that one of the bailors of the petitioner shall be a close family member and the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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