

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50167 of 2022

Arising Out of PS. Case No.-67 Year-2018 Thana- BHAPTIAHI District- Supaul

Md. Muslim, Son of Late Uman, Resident of village - Jhila Dumri, P.S.
Bhaptiyahi, District – Supaul. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP
For the Informant : Mr. Nafisuzzoha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 28-06-2023 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the informant.

By filing this application, the petitioner has once again renewed his prayer for regular bail in connection with Bhapatiyahi P.S. Case No. 67 of 2018 registered for the offences punishable under Sections 120(B), 302/34 of the Indian Penal Code. He is in custody since 21.01.2020 having no criminal antecedent.

His prayer for bail was lastly rejected by this Court vide order dated 03.03.2021 passed in Cr. Misc. No. 38274 of 2020 for the reasons recorded therein. This petitioner is said to be the main assailant who has given farsa blow upon the deceased and the post-mortem report is supporting the same.

On the last date, this Court noticed that the petitioner had surrendered only on 21.01.2020 in connection with this case



as a result whereof the trial could not be concluded earlier. This Court directed the learned court below to frame the charges and conduct the trial on day-to-day basis.

A report has been received from the learned trial court from which it appears that out of twelve chargesheet witnesses, nine witnesses have already been examined but thereafter out of six accused persons facing trial in this case, five persons have left making *pairvi*, their bail bonds have been cancelled and processes have been issued for securing their presence in the court.

The learned trial court is, therefore, unable to complete the trial because five co-accused have absconded.

Considering the gravity of the offence and the fact that five out of six accused persons are absconding and they are delaying the trial and for that reason, the prosecution cannot be blamed, this Court is not inclined to release the petitioner on bail.

The prayer for regular bail of the petitioner is, thus, refused.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

