

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2634 of 2023

Arising Out of PS. Case No.-9 Year-2005 Thana- UDAKISHUNGANJ District- Madhepura

Mithilesh Yadav @ Mithlesh Yadav Son Of Late Dhunmun Yadav Resident
Of Village - Shekhpur Chaman, P.S. - Udakishunganj, District - Madhepura

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dinesh Prasad Verma

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 25-01-2024 Heard learned counsel for the appellant and learned
Spl.PP for the State.

The instant appeal has been filed by the appellant against the order dated 25.04.2023 passed by learned Additional Sessions Judge 1st cum Special Judge, Madhepura whereby the prayer for bail of the appellant in connection with Udakishunganj P.S. Case no. 09 of 2005 under Sections 147, 148, 149, 307, 353 and 414 of the Indian Penal Code, section 27 of the Arms Act and Sections 3(i)(vii) of SC/ST Act was rejected.

The present case was registered in the year of 2005 and the appellant was granted bail on 17.08.2006 by the Court of learned Sessions Judge, Madhepura. Thereafter, the bail bond



of the appellant was cancelled on 14.05.2014 due to his non-appearance in trial. Thereafter, he remained absent despite issuing all the processes against him and Section 82 and 83 of the Cr.P.C. was issued against him and declared him absconder. He was arrested by the police on 15.07.2022 and since then he is languishing in judicial custody.

There is willful and mala fide intention of the appellant and due to his non-appearance, the trial has hampered.

Having heard learned counsel for the parties and considering the fact that there is huge misuse of bail, this court is not inclined to enlarge the appellant on bail and, as such, his appeal stands rejected.

From perusal of the report of learned Court below in respect of conclusion of trial dated 31.08.2023 in which it is mentioned that the trial will be concluded within a one year.

The trial court is directed to expedite the trial and conclude the same within a period of six months, failing which, the appellant will be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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