

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77308 of 2023

Arising Out of PS. Case No.-281 Year-2016 Thana- MADHEPURA District- Madhepura

Amresh Yadav @ Amresh Kumar Yadav, S/O Akhilesh Yadav @ Akhilesh Kumar, R/O Village- Miraghadh @ Meeragarh, P.S- Murliganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Onkar Nath, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 25-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking regular bail in connection with Madhepura P.S. Case No.281 of 2016 registered for the offences punishable under Section 364 of the Indian Penal Code. The petitioner has got no criminal antecedent. He is in custody since 03.07.2023.

3. As per the prosecution story, allegation against the petitioner is that he had taken Rs.50,000/- from the father of the informant and on demand being made by him, this petitioner took him on the pretext of returning his money but thereafter the father of the informant did not return.

4. Learned counsel for the petitioner submits that the



petitioner has been made accused in this case on mere suspicion. The informant has lodged this case after about 18 days from the date of missing of his father. Learned counsel submits that the petitioner has already been charge-sheeted and taken into judicial custody for last one year but the charge has not been framed against the petitioner.

5. On the other hand, learned APP for the State submits that this case is of the year 2016, however, the petitioner remained absconding in this case even after publication of proclamation and at one stage he even tried to mislead the Court for obtaining pre-arrest bail which may be noticed from the order dated 23.03.2021 passed by this Court in Cr.Misc.No.2420 of 2021. This Court has rejected the application of the petitioner which was filed by way of second attempt, with a cost of Rs.5,000/-. It is submitted that despite rejection of the second application, the petitioner remained absconding for next two years and in such circumstance the trial of the case could not proceed.

6. It is submitted that the petitioner would not deserve privilege of regular bail at this stage.

7. Having regard to the submissions noted hereinabove and by taking note of the conduct of the petitioner



which has resulted in the huge delay in trial of the case and it has come on the record that the petitioner was absconding for about 7 years in this case, this Court is of the opinion that the petitioner would not deserve privilege of regular bail at this stage. Prayer is refused.

8. Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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