

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32273 of 2025

Arising Out of PS. Case No.-165 Year-2016 Thana- ALOULI District- Khagaria

Dharmbir Yadav @ Dharmvir Yadav, Son of Rama Nand Yadav, Resident of village - Morkahi, P.S.- Alauli, District - Khagaria at present Village - Belahi Tola, P.S.- Chiraiya (O.P.), District - Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. P.N. Shahi, Senior Advocate Ms. Prakritita Sharma, Advocate Ms. Simran Kumari, Advocate
For the State	:	Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-09-2025 Heard Mr. P.N. Shahi, learned Senior Counsel assisted by Ms. Prakritita Sharma, learned counsel for the petitioner and Mr. Jai Narain Thakur, learned APP for the State.

2. This is yet another attempt of the petitioner to obtain bail in connection with Sessions Trial No. 122 of 2019 arising out of Alouli P.S. Case No. 165 of 2016 registered for the offences under Sections 364, 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act. He has five criminal antecedents. He was in custody from 04.02.2018 to 03.09.2021 and then he was re-apprehended on 27.12.2024.

3. Earlier, the prayer for bail of the petitioner has been rejected by this Court vide order dated 01.09.2021



passed in Criminal Miscellaneous No. 37017 of 2021 after noticing the seriousness of the accusation against him. He is the main assailant of the deceased. The allegation is that he had fired shot at the left temporal region on the husband of the informant due to which he succumbed to his injuries and died.

4. While lastly rejecting the prayer for bail of the petitioner on 01.09.2021, this Court took note of his custody of more than three and half years but considering the gravity of the offences alleged against him and the reason for delay in conclusion of trial, this Court did not feel inclined to release him on bail.

5. The trial court was directed to proceed with the case keeping the matter on shorter dates and all endeavours be made to conclude the trial as early as possible preferably within a period of nine months from the date of communication of this order. The petitioner was granted liberty to renew his prayer for bail if the trial remains unconcluded for no reason attributable to the petitioner.

6. Today, learned Senior Counsel for the petitioner has made a startling revelation before this Court. Only two days after the rejection of his prayer for bail, the petitioner absconded from the prisoner ward on 03.09.2021. He



remained absconding for more than three years until his arrest on 27.12.2024.

7. Learned Senior Counsel submits that even as the petitioner had absconded but the records of his case were not split and taking benefit of this, the other accused who were in custody have got released.

8. Learned APP for the State, however, submits that the conduct of the petitioner is such that he does not deserve privilege of bail. He absconded from the prison ward while in judicial custody in jail and from 03.09.2021 to 27.12.2024, he remained absconding. His conduct is serious in nature. It is further submitted that, in fact, by absconding and thereby keeping the trial court's records pending, he has helped the other accused who were facing trial in taking a plea of non-conclusion of trial and seeking bail on that ground.

9. Having regard to the submissions noted hereinabove and the facts which we have taken note of, finding that the petitioner absconded from judicial custody with effect from 03.09.2021 and remained absconding for over three years and that has definitely delayed the disposal of the trial, this Court is of the considered opinion that the petitioner seems to be a dreaded person who can jump the jail



and has no respect for the rule of law, his release at this stage is definitely likely to cause serious prejudice to the trial and the witnesses who are likely to depose in trial would get frightened. This Court would, therefore, reject his application.

10. This application is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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