IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76986 of 2026
CNR No. BRHC011092492026

Arising Out of PS. Case No.-58 Year-2014 Thana- BACHHWARA District- Begusarai

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Bittu Kumar Son of Gopal Mahto Resident of village - Chiranjivipur, P.S.- Bachhwara, District - Begusarai.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Prabhat Kumar, Advocate
For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. Learned counsel for the petitioner submits that the petitioner had earlier filed Criminal Miscellaneous No. 47783 of 2014, in which he was granted bail by a co-ordinate Bench of this Court vide order dated 23.06.2015. One of the conditions imposed while granting bail was that the petitioner was required to remain present before the Court and that, in the event of his absence on two consecutive dates or violation of any of the conditions of bail, his bail bonds would be liable to be cancelled by the Court concerned.

3. Learned counsel further submits that, after his release on bail, the petitioner regularly attended the Court. In the

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meantime, he went to Kolkata in search of livelihood after engaging a lawyer on his behalf, who assured him that he would immediately inform the petitioner whenever his presence was required before the Court. However, on 09.04.2025, the learned Court below directed the petitioner to appear physically on the next date of hearing, but the concerned lawyer failed to inform him of the said direction. Subsequently, on 16.12.2025, the petitioner's lawyer filed an application under Section 317 of the Cr.P.C. seeking exemption from the petitioner's personal appearance. However, the petitioner failed to appear when the case was called out due to his personal difficulties, resulting in the cancellation of his bail bonds. Thereafter, processes under Section 83 of the Cr. P.C. were issued and the petitioner was apprehended by the police.

4. Learned counsel further submits that, out of the eleven witnesses cited in the charge sheet, six prosecution witnesses have already been examined. He further submits that the petitioner undertakes that, if released on bail, he shall remain vigilant and shall not commit any such lapse in future.

5. Learned APP for the State submits that the petitioner's prayer for bail may be considered only after perusal of the observations made by the learned Trial Court while

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rejecting his bail application.

6. This Court finds it appropriate to reproduce the relevant portion of the order dated 20.07.2026 passed by the learned District and Additional Sessions Judge-II, Begusarai, in Sessions Trial No. 211 of 2015, arising out of Bachhwara P.S. Case No. 58 of 2014, as follows:

> *"2) Today, an application on behalf of the custody accused -Bittu Kumar, S/o Gopal Mahto for bail has been preferred. The accused -Bittu Kumar was taken into judicial custody on 13.07.2026, after the police arrested him on the process under section 83 of the Cr. P.C. was issued.*
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> *3) From the perusal of the order-sheets, it appears that this accused has been in habit of either absenting without any accountability, or has been filing the applications u/s 317 of Cr. P.C., because of which, the proceeding of this case has not gone ahead. In fact, this accused has harassed the court by not properly acting in this case. It is important to note that this case is of 2015, and so far only six P.W.s have been examined. The last examination of any witness (PW-6) happened on 03.06.2025. The proceeding of this case remained stand-still thereafter. The Court has been issuing B.W, N.B.W., the process u/s 82 and 83 of Cr. P.C. not to avail. This accused has no respect for the processes of this court. This Court apprehends that, if bail is again allowed*

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so lightly, this accused will not attend the remaining proceeding in this trial. Therefore, I do not find it a fit case to grant the privilege of bail to this accused- at this stage. Hence, the bail application of the accused - Bittu Kumar is hereby rejected.

4) Put up this case on 11.08.2026 for P.E.. Let the fresh B.W. be issued to the doctor and I.O. and the remaining non-official, non-examined P.Ws."

7. Upon perusal of the aforesaid order, this Court finds that the learned Trial Court was justified in rejecting the petitioner's prayer for bail, as the trial has been delayed for approximately fifteen years due to the acts or omissions attributable to the petitioner.

8. Accordingly, the present application seeking bail in connection with Sessions Trial No. 211 of 2015, arising out of Bachhwara P.S. Case No. 58 of 2014, pending before the learned Judicial Magistrate, 1st Class, Begusarai, is hereby rejected.

9. However, the learned Trial Court is directed to conclude the trial at the earliest.

(Dr. Anshuman, J)

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