

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51997 of 2015

Arising Out of PS.Case No. -58 Year- 1998 Thana -SANJHAULI District- SASARAM (ROHTAS)

1. Sunil Choudhary son of Musafir Choudhary, Resident of village-
Muswat, P.S.- Natwar, District- Rohtas, presently residing at Master
Colony, Near RTC B.Ed. College, Shivaji Nagar, Bargain, P.S. Baryatu,
District- Ranchi (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Mr. Sahin Begum(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 15-12-2015 Heard Mr. Abhinay Raj, the Counsel for the petitioner and
the APP for the State.

In 1998, the case was lodged vide Sanjhauli P.S. Case No.
58 of 1998 registered under 364(A) of the Indian Penal Code for
alleged kidnapping of the son of the informant. The petitioner is
now praying for bail.

It is submitted that the victim in his Section 164 Cr.P.C.
statement has not named him. The summons was not served on the
petitioner enabling him to submit to the jurisdiction to the Court.
Some other accused persons against whom charge-sheet was
submitted, were put on trial and acquitted. Petitioner is
languishing in jail since 17.8.2015.

Learned APP opposed the prayer for bail and submitted that

the case was lodged in the year 1998 whereas the petitioner surrendered in the Court on 17.8.2015. In these circumstances the Trial Court has found that the case of the petitioner could not even be committed to the Court of Sessions.

Considering the materials, the severity of the allegation and the submissions of counsel for the petitioner, this Court while declining the prayer of the petitioner, disposes of the application by the following order:-

Let the learned Magistrate take steps to commit the case to the Court of Sessions within 01 month whereafter the learned Trial Court will take steps for framing of charge within 02 month thereafter.

In case the charges are not framed against the petitioner within the overall period of 03 months, the Trial Court or the Court in seisin of the case, shall release the petitioner on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount subject to two conditions:-

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any

cogent/satisfactory reason, the Trial Court shall have liberty to
cancel the bail bond of the petitioner and secure his arrest in
accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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