

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23962 of 2019

Arising Out of PS. Case No.-196 Year-2017 Thana- NAUGACHIA District- Bhagalpur

Rahul Kumar @ Lalu Son of Sone Lal Rai @ Sandeepan Rai Resident of Village - Pratap Nagar Kadwa, P.S- Kadwa O.P., Distt.- Bhagalpur, at present resident of Naya Tola, near Railway Station Naugachhia, P.S.- Naugachhia, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey

For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 26-06-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Naugachia P.S. Case No. 196 of 2017 registered under Sections 366A and 380/34 of the Indian Penal Code.

Petitioner is said to have kidnapped the minor daughter of the informant along with cash and jewellery worth Rs. 2 lacs with intent to perform marriage with her.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. The petitioner has no concern with the aforesaid occurrence. As a matter of fact, the victim was major and she was in telephonic



contact with the petitioner and *suo motu* eloped with the petitioner out of her sweet will and despite direction of the investigating officer, she did not turn up for medical examination. Hence, no offence under Section 366A is made out against the petitioner. Petitioner has been languishing in custody since 03.09.2017. Earlier, the bail prayer of the petitioner was rejected by this Court vide order dated 17.05.2018 with direction to the learned court below to conclude the trial within nine months, but the trial has not yet been concluded. Hence, the petitioner may be enlarged on bail.

Per contra, learned APP for the State opposing the bail prayer of the petitioner submitted that victim in her statement recorded under Section 164 Cr.P.C. has candidly stated that the petitioner had kidnapped her with intent to perform marriage with her and kept her in a hotel in Bokaro for two days from where she was recovered by the police.

Vide letter no. 75 dated 20.05.2019, learned court below has reported that charge in the case has been framed on 12.12.2017. There are only three witnesses in the case including the I.O. and only summon has been issued against the witnesses up till now. He has sought six months time for conclusion of the trial.



Aforesaid letter of the learned court below indicates that the court below is taking callous attitude in conducting the trial as within one and half year, only summon has been issued against the witnesses and no further process has been issued against them, hence, he is directed to be cautious in future.

Considering the facts and circumstances, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, learned court below is directed to conclude the trial as expeditiously as possible within four months from the date of receipt or production of a copy of this order fixing the case on day to day basis and S.P. Bhagalpur is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P. Bhagalpur by fax for needful.

(Prakash Chandra Jaiswal, J)

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