

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45680 of 2019

Arising Out of PS. Case No.-296 Year-2016 Thana- PARBATTa District- Khagaria

=====

Guddu Singh @ Raj Kishore Singh Son of Raj Kishore Singh Resident of
Village - Srirampur Thuthi, P.S.- Parbatta, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 04-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Parbatta P.S. Case No. 296
of 2016 registered under Section 364 (A) of the Indian Penal
Code.

The petitioner is said to have kidnapped brother of the
informant, namely, Pankaj Kumar on way to his house for
ransom.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He has no
concern with the aforesaid occurrence. The petitioner has been
falsely implicated in this case due to grudge and animosity as
the sister-in-law of the petitioner had lodged a murder case



against a relative of the informant bearing Parbatta P.S. Case No. 73 of 2013. The occurrence is said to be of 19.12.2016 but the victim turned up before the police on 20.12.2016 and in his statement under Section 161 Cr.P.C. has named four accused persons in the occurrence while in his statement under Section 164 Cr.P.C. he has named the petitioner in the occurrence. The petitioner has been languishing in custody since 21.12.2016. Earlier, the bail prayer of the petitioner was rejected vide order dated 06.10.2018 directing the learned court below to conclude the trial within six months from the date of commitment of the case and S.P., Khagaria was directed to ensure production of the witnesses in the case on each and every date fixed without fail. But up-till now, only one witness has been examined in the case, hence, he may be enlarged on bail.

Per contra, learned APP for the State opposing the bail prayer of the petitioner submitted that the victim in his statement recorded under Section 164 Cr.P.C. has specifically stated that the petitioner had kidnapped him along with other persons on way to his house and demanded ransom of Rs. 15,00,000/- in lieu of his release, hence he does not deserve bail.

Vide letter no. 76/2019 dated 30.07.2019 learned court below has requested four months more time for



concluding the trial submitting that one witness (informant) has been examined and for other non-official witnesses, NBW has been issued.

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

However, the learned court below is directed to conclude the trial as expeditiously as possible preferably within three months from the date of receipt/production of a copy of this order fixing the case on day to day basis and S.P., Khagaria is directed to ensure production of the witnesses in the case on each and every date fixed without fail else the Court shall be constrained to take serious notes against him.

Let this order be communicated to S.P., Khagaria by fax for needful.

Both parties are directed to extend all sorts of cooperation for concluding the trial within the stipulated period.

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

