

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26216 of 2020**

Arising Out of PS. Case No.-38 Year-1999 Thana- CHAKAI District- Jamui

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TEJO MANDAL @ SATYA NARAYAN MANDAL Son of Late Bhatu
Mandal Resident of Village- Gadi, P.S.- Chakai, District- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Ram Chandra Sahni, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 01-12-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

At the outset, learned counsel for the petitioner submits that in paragraph ‘1’ the Section under which the instant case has been registered has been wrongly typed as Section 366 IPC. In fact it should be Section 364 IPC. Learned counsel for the petitioner has further submitted that the petitioner is in custody in connection with this case since 26.09.2019 whereas in paragraph ‘15’ of the petition it has been typed as 15.06.1999.

Let both the paragraphs ‘1’ and ‘15’ be allowed to be corrected and read accordingly.

Heard learned counsel for the petitioner and Mr. Ram Chandra Sahni, learned APP for the State.

The petitioner in the present case is seeking regular bail in



connection with Chakai P.S. Case No. 38 of 1999 (G.R. No. 461 of 1999) registered for the offence punishable under Section 364 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is agnate of the informant and next door neighbour. He is not named in the FIR and nothing has been recovered from his possession. It is submitted that in course of investigation no witness has turned up to support the allegations against the petitioner and because of a land dispute the present case has been lodged falsely implicating the petitioner. It is submitted that because the petitioner was not named in the FIR and police never took any step to arrest the petitioner in connection with this case, the petitioner had no reason to surrender in connection with this case in the court below.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the victim boy was recovered after about 25 days and has made a statement in which he has named this petitioner amongst others as the persons who had kidnapped him. It is informed that the victim was recovered when the police conducted a raid.

Learned APP has further informed from the case diary that process under Section 83 Cr.P.C. was taken out against the petitioner on 26.07.1999 and later on a chargesheet was filed against him showing him absconder. He has been arrested in connection with this case after about 20 years.



Having regard to the facts and circumstances of the case, wherein it appears from the submissions that the petitioner has been named as one of the accused who had kidnapped the victim boy and then he remained absconding as per records for about 20 years because of which the trial could not proceed, this Court is not inclined to grant regular bail to the petitioner at this stage.

Let the trial be expedited.

The trial court shall proceed with the trial, if necessary after separating the records of the petitioner and shall take all endeavours to conclude the trial within a period of 9 months from the date of receipt/production of the copy of this order.

The prosecution shall cooperate in course of trial and for the reasons not attributable to the petitioner if the trial is not concluded within a period of 9 months, the petitioner may renew his prayer for bail.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

