

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24939 of 2020**

Arising Out of PS. Case No.-313 Year-2019 Thana- KESARIA District- East Champaran

Sonu Kumar S/O Vinod Sah Resident Of Village-Koilam @ Koilwan, Police
Station-Kalyanpur, District-Samastipur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ram Binod Singh, Advocate
For the Opposite Party : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 27-11-2020 Heard learned counsel for the petitioner as well as
learned counsel for the State through video conferencing.

Learned counsel appearing for the petitioner, in paragraph 8 of the bail petition, submits that the observation of this Court recorded in penultimate paragraph of order dated 24.1.2020, passed in Cr.Mis.No. 64177/2019 to the effect that “it appears from perusal of statement of victim boy under section 164 Cr.P.C. that the boy had specifically taken name of Sonu Kumar this petitioner and one Babu Saheb who confined him in a room and it were the persons who demanded money from his mother on the mobile phone” is in fact error of record. In this regard, learned counsel refers to the section 164 Cr.P.C. statement of the victim boy in which he has taken the name of Sonu Nigam s/o Satya Narayan Rai with co-accused Babu Saheb who confined him in a room and demanded money from his mother on mobile phone and has not taken the name of the petitioner who is Sonu Kumar s/o Vinod Sah.

The aforesaid fact is not controverted by learned



Additional Public Prosecutor. However, it is submitted that as per paragraph 42 of the case diary, this petitioner has been identified by the victim, as the person who tied his legs and hands in the room.

From perusal of report of the Additional Chief Judicial Magistrate III, Motihari, East Champaran dated 14.10.2020, sent in Kesariya Police Station Case No. 313 of 2019/GR No. 4620 of 2019 it appears that the record is fixed at the stage of evidence and the next date fixed is 21.10.2020.

In view of the report of the trial court as well as evidence that has come in investigation, the bail petition of the petitioner is refused.

As the petitioner is in custody since 1.7.2019, the trial court is directed to expedite the trial and conclude the same as early as possible.

(Prabhat Kumar Singh, J)

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