

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12561 of 2021**

Arising Out of PS. Case No.-8 Year-2020 Thana- ANTICHAK District- Bhagalpur

BIRENDRA MANDAL @ BIRENDRA KUMAR Son of Jay Ram Mandal
Resident of Village - Nandgola, P.S.- Antichak, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunwar Ajit Singh, Advocate
For the Opposite Party/s : APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 03-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 365, 120B and 506 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per allegations in the FIR, it is stated by the informant that his grandson was kidnapped by Birendra Mandal and others and this was seen by his grand-daughter Laxmi Kumari. His grandson was not to be found.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There is no explanation for the delay in lodging of the FIR. While the occurrence is alleged to have taken place on 1.2.2020, the FIR



was registered on 2.2.2020. The allegations are general and omnibus in nature. There was an inordinate delay of more than one month in recording statement of Laxmi Kumari. The petitioner is in custody since 25.2.2020 and investigation in the case has concluded.

Heard learned APP for the State.

Having heard learned counsel for the parties and on perusal of the FIR it transpires that the allegation of the petitioner kidnapping the grandson of the informant was witnessed by the informant's grand-daughter namely Laxmi Kumari who has supported the same in her statement under section 161 Cr.PC. A few days later the dead body of the grand son of the informant was found with cause of death being asphyxia and shock due to strangulation by ligature material.

In view of the facts of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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