

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21718 of 2021

Arising Out of PS. Case No.-41 Year-2018 Thana- AGAMKUAN District- Patna

VIKKY PASWAN @ VIKKI KUMAR PASWAN Son of Rajesh Paswan @
Mantu Resident of Village - Kumhrar Mahavir Mandir, Imlital, Police Station
- Agamkuan, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajoy Kumar Chakraborty, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, APP
For the Informant	:	M/s Ajay Kumar Thakur, Vaishnavi Singh Ritwik Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 01-12-2021 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has preferred this application for grant
of regular bail in a case registered under section 364A of the
Indian Penal Code to which section 302 of the Indian Penal
Code was added subsequently.

It is submitted by learned counsel for the informant
that he received a phone call on his mobile phone. His son
Raunk Kumar narrated that he had been kidnapped and was
being beaten up. Thereafter, it is stated that another person
took the telephone and made a demand of ransom to the tune of
Rs. twenty five lacs. The informant states that he had some



dispute with one of his tenant.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. His name transpired in course of investigation in the statement of accused Dharmendra Kumar made before police which is inadmissible. There is no eye witness to the occurrence. He has been falsely implicated in the case and inspite of having remained in custody since 19.1.2018, the trial has still not concluded. It is submitted that one of the police officer who is the prosecution witness is not appearing in the trial court and there is no chance of the same concluding in the near future.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that there is direct and substantial material against the petitioner which has transpired in course of investigation.

A report was called for from the learned trial Court with respect to the stage of the trial. As per the report received contained in letter dated 26.10.2021 of the learned 1st Addl. Sessions Judge, Patna City, eight witnesses on behalf of the prosecution including the doctor who conducted the postmortem examination has been examined. Examination of



one of the witnesses i.e. Sub Inspector of Police, Dhirendra Kumar Singh, Agama Kuan Police Station is not being completed.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Further taking into consideration the contents of the report received from the learned court below, it is directed that the learned trial court will make all efforts to conclude the trial within a period of three months from the date of receipt of a copy of this order. Further if any of the official witnesses is not appearing in the case, the Senior Superintendent of Police, Patna shall ensure the appearance of the witness in the trial at the earliest.

(Partha Sarthy, J)

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