

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43219 of 2021**

Arising Out of PS. Case No.-91 Year-2020 Thana- GHOGHARDIHA District- Madhubani

KANHAIYA KUMAR KAMAT Son of Raghunath Kamat Resident of Village
- Rajuahi, P.S.- Ghoghardiha, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ansul, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 08-12-2021 Heard the learned counsel for the petitioner and Sri
Jagdhar Prasad, learned APP appearing for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Ghoghardiha PS case no. 91 of 2020, registered under Sections 363, 366(A) of Indian Penal Code, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected vide order dated 15.12.2020, passed in Cr. Misc. no. 28845 of 2020.

The petitioner is alleged to have kidnapped the victim girl, however he is not stated to have committed misdeed with her, inasmuch as co-villagers had arrived at the tent in question and had freed the kidnapped girl.

The learned counsel for the petitioner has submitted



that the change in circumstance is that now the charges have already been framed and the trial is on. It is also submitted that the petitioner is languishing in custody since 14.06.2020. Lastly, it is submitted that there is no possibility of the trial being concluded in near future, hence benefit of doubt may be granted for the purposes of grant of bail.

The learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the charges have been framed and the petitioner is languishing in custody since more than a year, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M. 1st, Madhubani in connection with Ghaghardiha PS case no. 91 of 2020.

(Mohit Kumar Shah, J)

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