

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35345 of 2020**

Arising Out of PS. Case No.-58 Year-2017 Thana- PIPRA District- Supaul

Sharwan Kumar, aged about 24 years, Male, Son of Baijnath Mandal, resident of Village - Rajpur, Police Station - Pipra, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                                |
|----------------------------|--------------------------------|
| For the Petitioner/s :     | Mr. Arun                       |
| For the Opposite Party/s : | Mr. Anil Kumar, Advocate       |
|                            | Mr. Nityanand Tiwary, Advocate |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      30-01-2021                      Heard Mr. Arun, learned counsel for the petitioner, Mr. Anil Kumar, learned counsel for the informant and Mr. Nityanand Tiwary, learned Additional Public Prosecutor for the State.

This is 2<sup>nd</sup> attempt for grant of regular bail on behalf of the petitioner inasmuch as earlier the regular bail application of the petitioner was rejected vide order dated 29.06.2018 passed in Cr. Misc. No. 38407 of 2018.

Petitioner seeks regular bail in connection with S.T. No. 205 of 2018 arising out of Pipra P.S. Case No. 58 of 2017 registered for the offence under Sections 366 (A) / 34 of the I.P.C.

The allegation as per the First Information Report is that the petitioner kidnapped the daughter of the informant.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case and there is no



evidence against the petitioner to support the prosecution story.

On the other hand, learned counsel for the informant submits that the statement of the victim girl was recorded under Section 164 of the Cr.P.C. in which she has supported the allegation against the petitioner.

This Court vide its order dated 21.12.2020 has called for a report from the learned trial court regarding present stage of the trial and in pursuance thereof learned Additional District and Sessions Judge – III, Supaul vide letter no. 03 / 2021 dated 15.01.2021 has furnished the report and from perusal of the same it appears that the prosecution as well as evidence of defence has also been closed on 31.01.2020 and the learned trial court has given the estimated time for completion of the trial within two months if the petitioner co-operates in the trial inasmuch as the petitioner has been filing petition under Section 311 of the Cr.P.C. after closure of the evidence and defence is not concluding its argument.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record and the fact that trial is at the verge of completion, I am not inclined to grant regular bail to the petitioner at this stage.



Accordingly, the same is rejected.

However, if the petitioner / defence concludes its argument within 10 days and thereafter the trial is not concluded within a period of 02 months, the petitioner may renew his prayer for regular bail after expiry of the said period.

**(Anil Kumar Sinha, J)**

praful/-

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