

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32410 of 2020

Arising Out of PS. Case No.-332 Year-2019 Thana- DANAPUR District- Patna

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Vishal Kumar, male, aged about 22 years, Son of Vidhya Bhushan Prasad @
Vidha Bhushan Prasad, Resident of Mohalla - Ramjichak Digha, P.S. - Digha,
District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 18-01-2021 Heard Mr. Abhay Kumar Singh, learned
counsel for the petitioner and Md. Aslam Ansari,
learned APP for the State.

The petitioner, who is in custody since
08.06.2020, seeks bail in connection with Danapur
P.S. Case No. 332 of 2019, dated 29.04.2019,
instituted for the offences under Section 364 of the
Indian Penal Code.



The victim was taken away on motorcycle by the three named accused persons. The petitioner has not been named in the F.I.R. After about seven months of the occurrence, two of the witnesses have stated that along with the victim, two other persons were kidnapped. Those two persons were later let free and they informed the family members of the victim about the entire occurrence. In their statements, they have named the petitioner also as one of the associates of the named accused persons of this case.

Mr. Singh, learned counsel for the petitioner has submitted that the information about the participation of the petitioner came only after seven and half months of the lodging of the F.I.R. and, therefore, its veracity should have been tested further. The two persons, who were also kidnapped along with the victim, narrated about the occurrence to the family members of the victim. It was therefore least expected of the investigating agency



to have recorded their statements in order to lend credence to the aforesaid theory of the participation of the petitioner also in the offence.

That not having been done, the material against the petitioner is absolutely flimsy and based on hearsay information. Learned counsel for the petitioner has further argued that the petitioner has got no relation with the named accused persons of this case or the victim and he is only a betel shop owner.

The petitioner is in custody since 08.06.2020 and the case has been committed to the *Court of Sessions* for trial.

Considering the fact that the name of the petitioner has transpired in the case and that the victim has not yet returned, I am not inclined to grant bail to the petitioner for the present.

The prayer for grant of bail of the petitioner is, accordingly, rejected.

However, if there is no substantial progress



in the trial within the next six months, the petitioner would be at liberty to approach the Trial Court for grant of bail. In that event, the Trial Court would be required to state the reasons for non-conclusion of the trial within the aforesaid period.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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