

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40919 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

CHANDAN PODDAR son of Dilip Poddar Resident of Mohalla- Mohaddi
Nagar, P.S. Mozahidpur (Babbar Ganj), District- Bhagalpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.
Ms. Tulika Singh, Adv.
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Sessions Trial no. 188 of 2020 arising out of Mozahidpur (Babbar Ganj) P.S. Case no. 39 of 2020 registered under section 364A of the Indian Penal Code.

As per allegation in the FIR, the son of the informant was forcibly taken by accused Manna Yadav and the petitioner herein. It is stated that subsequently son of the informant called the informant and said that Rs. ten lakh has to be given to the accused by the next morning or else they would kill him.

It is submitted by learned counsel for the petitioner that except the statement that the petitioner was accompanying



Manna Yadav there is no allegation against the petitioner in the FIR. The son of the informant is an accused in a case under the Excise Act, FIR of which has been brought on record as Annexure-2 to the petition. It is further submitted that the petitioner is in custody since 15.2.2020, no transaction of any amount has taken place and the alleged victim has also returned back immediately.

The application for bail is opposed by learned APP for the State.

By order dated 10.2.2021, the case diary as also the report with respect to the stage of trial has been called for and the same has been received. As per the report the charge was framed in the case on 12.1.2021 but no witness has been examined till now on behalf of the prosecution.

Having heard learned counsel for the parties and in view of the facts and circumstances of the case together with the petitioner being in custody since 15.2.2020, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 188 of 2020 arising out of Mozahidpur (Babbar Ganj) P.S. Case no. 39 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the



like amount each to the satisfaction of the learned 10th
Additional District and Sessions Judge, Bhagalpur.

However, in view of the fact that the trial in the case
has commenced, it is directed that the petitioner shall cooperate
in the trial and in case, the learned Court below is of the opinion
that the trial is being delayed because of the non-cooperation on
part of the petitioner, the learned Court below shall be at liberty
to cancel the bail bond of the petitioner and take him into
custody till conclusion of the trial.

(Partha Sarthy, J)

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