

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8906 of 2021

Arising Out of PS. Case No.-747 Year-2019 Thana- BIHAR District- Nalanda

PREMJIT KUMAR Son of Pramod Mahto, Resident of Village- Rajabigha,
P.S. Asthama, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Niwas Prasad, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 05-08-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Bihar P.S. Case No. 747 of 2019 registered for offence punishable under sections 364A/34 of the Indian Penal Code.

Allegation is that the informant's youngest son has



been kidnapped while he was talking on phone standing outside his house.

The learned counsel for the petitioner submits that one co-accused, Arvind Kumar has been allowed bail in Cr. Misc. No. 17083 of 2020. The said Arvind Kumar as well as the instant petitioner, both have been named in the course of investigation. Prayer for bail is also made on the ground of parity. It is also submitted that deposition of the alleged victim under section 164 Cr. PC indicates that there was some love affair and the same is the basis of petitioner's false implication. The petitioner is stated to be in custody since 03.10.2020.

The learned APP has opposed the prayer referring to the material in the case diary. It is submitted that petitioner's claim for parity is misplaced. The said Arvind Kumar was having no criminal antecedent. The petitioner has two criminal antecedents. The co-accused, in their confessional statement, have also stated about the petitioner's active participation in the kidnapping. Apart from the fact that the victim himself under section 164 Cr. PC has stated about the petitioner being one of those responsible for his kidnapping.

Considering the rival submissions, this Court for the present, is not inclined to allow the petitioner's prayer for bail



and accordingly his prayer for bail is rejected. The court below however could observe that the Trial Court should proceed for expeditious conclusion of the trial without any unnecessary adjournment.

(Madhuresh Prasad, J)

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