

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62800 of 2021

Arising Out of PS. Case No.-251 Year-2020 Thana- KUMAR KHAND District- Madhepura

SIKANDAR DAS @ SIKENDRA DAS Son of Dukha Das Resident of
Village - Kewatgama Tapra, Tola- Khurda, P.S.- Kumarkhand, Distt.-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Uday Chand Prasad Manat Kumar, Advocates
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, APP
For the Informant	:	Mr. Dinesh Pd. Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-11-2021 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has renewed his prayer for grant of
regular bail in a case registered under sections 364A and 34 of
the Indian Penal Code.

As per the prosecution case, the 12 year old son of the
informant was kidnapped while he had gone for his studies.

It is submitted by learned counsel for the petitioner
that the earlier application for bail of the petitioner was rejected
vide order dated 6.8.2021 (Annexure-1) passed in Cr.Misc. No.
13997 of 2021 giving liberty to the petitioner to renew his
prayer for bail in the learned court below bringing on record
documentary evidence to the effect that the vehicle which was



used for kidnapping of the victim boy does not belong to the petitioner. Learned counsel for the petitioner refers to the registration certification of the vehicle bearing registration no. BR19F2160, (Annexure-5 to this petition), to show that the owner of the said vehicle is one Ramnarayan Roy and not the petitioner herein. Learned counsel further submits that there is no chance of the trial concluding in near future. The petitioner is in custody since 27.9.2020 and undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that although the vehicle in question has been purchased by the petitioner, however, he has not got the same transferred in his name. The trial in the learned court below has proceeded and in case the petitioner is enlarged on bail he would not cooperate in the trial. On one of the occasions, as a result of repeated adjournments, the court has also imposed cost on the petitioner.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the liberty granted in the earlier order of rejection dated 6.8.2021 together with the contents of the registration certificate



(Annexure-5) brought on record, the petitioner is directed to be enlarged on bail in connection with Sessions Case no. 7 of 2021 (arising out of Kumarkhand P.S. Case no. 251 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 Additional Sessions Judge VIII, Madhepura.

It is further directed that as the trial in the learned court below has proceeded the petitioner shall remain physically present on each date in Court and shall cooperate in the trial and in case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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