

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63194 of 2021

Arising Out of PS. Case No.-39 Year-2021 Thana- JOGAPATTI District- West Champaran

Jitendra Chaudhary S/O SURESH CHAUDHARY R/o village- Teshrahiya
Manpur, P.S.- Bathuwariya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 2228 of 2022

Arising Out of PS. Case No.-39 Year-2021 Thana- JOGAPATTI District- West Champaran

Santosh Chaudhary Son of Sri Jawahir Chaudhary Resident of Village -
Dhadhwa Bhawanipur, P.s.- Jogapatti (Nawalpur), Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63194 of 2021)

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. A.G, APP

(In CRIMINAL MISCELLANEOUS No. 2228 of 2022)

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv. with

: Ms. Rashmi Jha, Adv.

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

6 22-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Yogapatti P.S. Case No. 39 of 2021 lodged under Sections 363/
365/ 34/ 364A of the I.P.C.

As per the prosecution case, the allegation of kidnapping of the informant's minor son is there against the petitioner in the F.I.R. and against 2 unknown persons. The name of the petitioners have figured during investigation and the accused persons have disclosed the name of each other in commission of the crime. The recovery of the victim took place and under Section 164 of Cr.P.C., he has narrated this statement before the Court that he was kidnapped.

Learned counsel for the petitioners submit that report of the trial has come in which it transpires that session trial has started and out of 6 charge sheet witnesses, one witness have been examined. Learned counsel of Cr. Misc. No. 63194 of 2021 submits that antecedent of the petitioner is clean and he is in custody since 31.01.2021. Charge sheet has already been filed in this case.

Learned counsel of Cr. Misc. No. 2228 of 2022 submits that petitioner is in custody since 01.02.2021 having one criminal antecedent in which he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that accused Santosh Chaudhary(petitioner of Cr. Misc. No.2228 of 2022) is the main conspirator and on his instigation, the entire occurrence took place and the role of

Jitendra Chaudhary has also come in the investigation.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners. Therefore, the bail application of the petitioners are hereby rejected. The Trial Court is directed to expedite the trial within 6 months from today. If the trial shall not be concluded within 6 months then petitioners shall have liberty to move before the Court and Trial Court is directed to release them on bail imposing its own conditions so that they may not evade their appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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