

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11914 of 2022

Arising Out of PS. Case No.-77 Year-2019 Thana- NADI P.S. District- Patna

Chandradev Kumar (Male), aged about 27 years, Son of Vishwanath Ray
Resident of Village - Jethuli, Police Station - Nadi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 30-03-2022 Heard learned counsel for the parties.

The petitioner seeks bail in connection with S. Tr. No. 833 of 2019 arising out of Nadi P.S. Case No. 77 of 2019 dated 23.03.2019 instituted for the offences under Sections 341, 323, 387, 504, 364 and 34 of the Indian Penal Code.

His prayer for bail was earlier rejected by this Court vide order dated 04.01.2021 passed in Cr. Misc. No. 26938 of 2020.

The petitioner along with others is said to have kidnapped one Karu who is still traceless.

This Court had called for a report about the stage of the case from the court below.

The report dated 14.03.2022 indicates that one out of six witnesses has been examined and steps have been taken by



the trial court to compel the attendance of other prosecution witnesses.

However, the learned counsel for the petitioner has drawn attention of this Court to the accusation made in the F.I.R. which indicates that the petitioner and twelve others including one Sidhnath took away the cousin of the Informant, namely, Karu to an unknown destination. Aforesaid Karu has not yet been traced out and that was the reason for rejecting the bail of the petitioner.

To indicate his bonafides of the petitioner, the learned counsel has submitted that shortly after the occurrence in which a tractor had met with an accident and the Informant and others had suffered injuries, the petitioner and others were taken into custody. These facts indicate that the petitioner and others were wrongly made accused in a case of kidnapping whereas the fact of the matter is that Karu was not to be found from before and taking advantage of this occurrence, such an imaginary accusation has been levelled.

The petitioner has remained in jail since 24.03.2019 whereas the others with similar accusation have been granted bail by the court below.

True it is that Karu has not yet been recovered but,



from the surrounding circumstances, learned counsel for the petitioner submits that the petitioner had no role to play in the disappearance of the aforesaid Karu.

Regard being had to the fact that the pace of trial is absolutely tardy and which is not attributable to the petitioner as an accused facing such trial, I am inclined to grant bail to him during pendency of the trial.

For the reasons aforestated, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 3rd, Patna City in connection with S. Tr. No. 833 of 2019 arising out of Nadi P.S. Case No. 77 of 2019 subject to the following conditions:-

(i) the petitioner shall participate in the trial proceedings on each and every date and his absence from the trial proceedings on two consecutive occasion without seeking prior permission from the trial court would render his bail liable to be cancelled.

(ii) the petitioner shall also not leave the territorial confines of the district where the trial is continuing without prior permission of the trial court.



(iii) he shall also get his presence marked before the officer-in-charge of the concerned police station on the 1st Monday of every month in the forenoon.

(iv) while furnishing the bail bonds, he shall give his mobile telephone number and the telephone number of his surety which shall be kept in operative condition till the time the trial is finally concluded.

The petition stands allowed with the aforesaid conditions.

(Ashutosh Kumar, J)

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