

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41956 of 2021

Arising Out of PS. Case No.-2 Year-2020 Thana- SINGHWARA District- Darbhanga

ROHIT KUMAR @ MASTER Son of Nand Kishore Verma Resident of
Village - Mahindwara, P.S.- Mahindwara, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Ashhar Mustafa, Abu Nasar & Vikash Kumar Jha, Advocates
For the Opposite Party/s	:	Mr. Md. Iftekhar Mahmood, APP
For the Informant	:	Mr. S.M.Ashraf, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

9 13-04-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has preferred this application for grant
of regular bail in a case registered under section 364A of the
Indian Penal Code.

As per the prosecution case, kidnapping of the son of
the informant was given effect to by unknown accused persons.

It is submitted by learned counsel for the petitioner
that the FIR was registered against unknown. Pursuant to the
confession of one Amrendra Kumar Singh, it is the case of the
prosecution that a raid was conducted and the son of the
informant as also four other accused persons including the
petitioner herein were arrested. It is further submitted that the



petitioner has been named in the statement under section 164 Cr.P.C. and also identified in the T.I. parade. However, inspite of the petitioner being in custody since 23.3.2020 and more than two years having passed, charge has been framed in the learned trial court only recently and there is no chance of the trial concluding in the near future. Petitioner undertakes to cooperate in the trial. It is lastly submitted that a supplementary affidavit has been filed on behalf of the petitioner stating about the error committed in paragraph no. 3 of the petition and mentioning about two earlier cases in which the petitioner has been made accused.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that at the time of recovery of the victim son of the informant, the petitioner was amongst the accused persons who was also arrested. The petitioner has been named by the victim in his statement under section 164 Cr.P.C. and has also been identified in the T.I. parade. Learned counsel further submits that the trial will not be delayed and the informant is ready to produce the witnesses without delay.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner



having been caught along with the other accused persons at the time of recovery of the victim together with him having been identified in the T.I. parade, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned trial court is directed to expedite the trial.

Taking into consideration the grant of bail to Amrendra Kumar Singh vide order dated 15.1.2021 passed in Cr. Misc. no. 29480 of 2020, whose confessional statement led to recovery of the victim together with the petitioner having remained in custody for more than two years and charge having been framed in the case, liberty is granted to the petitioner to renew his prayer for bail in case there is no substantial progress in the trial in six months.

(Partha Sarthy, J)

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