

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45257 of 2021

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

MUKESH KUMAR Son of Shri Baidyanath Yadav Resident of Village -
Tikuliya Ward no.14, P.S.- Bishanpur Bazar, P.S.- Kumarkhand, Distt.-
Madhepura, (Bihar)-852112

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandan Kumar, Advocate
For the State	:	Mr. Braj Kishore Prasad, APP
For the Informant	:	Mr. Dinesh Pd. Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 02-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application 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 son of the informant had gone out on a cycle was kidnapped. It is stated by the informant that he apprehends that he has been kidnapped for ransom.

It is submitted by learned counsel for the petitioner that the FIR was lodged against unknown. The name of the petitioner transpired in course of investigation. The son of the petitioner returned and his statement was recorded under section 164 Cr.P.C. which is on the face of it a tutored statement. There is an unexplained delay of four days in recording of the



statement under section 164 Cr.P.C.. The other co-accused have been enlarged on bail. The prosecution witnesses who have been examined in course of the trial are relatives of the informant and their depositions are full of contradictions. Even in course of investigation neither there is any statement of any message or call for ransom or demand having been received by the informant and others nor was the clothes etc. recovered by the police. Referring to the medical report it is submitted that the doctor who examined the alleged victim on the same date did not find any injury and found the son of the informant to be physically and mentally fit. Further referring to the said report it is submitted that while on the top of the report the date has been given as 13.9.2020, the date below the doctor's signature has been give as 26.9.2020 which shows that the report is manipulated. The petitioner is in custody since 25.9.2020 and even though the examination of prosecution witnesses are coming to an end, however, it is still uncertain as to how long the defence is going to take in examining their witnesses. As such it is prayed that the petitioner be enlarged on bail.

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 out of 6 witnesses



named in chargesheet 5 witnesses have been examined and there will be no delay in examination of the witnesses, if any, on behalf of the defence.

A report was called for from the learned trial court. From the contents of the report contained in letter dated 16.2.2022 it transpires that 5 out of 6 chargesheet witnesses have been examined and only the Investigating Officer of the case remains to be examined on behalf of the prosecution.

Having heard learned counsel for the parties and taking into consideration the facts of the case, specially the examination of 5 out of the 6 chargesheet witnesses, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned trial court is directed to conclude the trial within four months from the date of receipt / communication of a copy of this order. It is directed that the defence will not delay in examination of the witnesses, if any, to be examined on their behalf.

(Partha Sarthy, J)

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