

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51897 of 2022

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

Mukesh Kumar Son Of Shri Baidyanath Yadav @ Badyanath Prasad Yadav
R/O Village- Tikuliya, Ward No.14, Post Office- Bishanpur Bazar, P.S.-
Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 30-11-2022 Heard learned counsel for the parties.

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

The earlier application for bail of the petitioner was rejected vide order dated 02.03.2022 passed in Cr. Misc. no.45257 of 2021.

As per the prosecution case, the son of the informant was kidnapped by the accused persons.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case by way of a tutored statement given by the alleged victim under section 164



Cr.P.C. made after inordinate delay of four days after his recovery. It is the same statement that he has repeated in his deposition as a prosecution witness in a parrot like manner. The petitioner is in custody since 25.9.2020 and undertakes to cooperate in the trial.

A supplementary affidavit was filed on behalf of the petitioner bringing on record the deposition of the prosecution witnesses including the victim himself. In course of his deposition the 13 year old victim has categorically made allegations against this petitioner of having kidnapped him. Further it transpires that the examination of the prosecution witnesses is over and the defence witnesses are being examined.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the case and to conclude the same at the earliest preferably within a period of six months from the date of communication of this order.

It is further directed that none of the observations made in the instant order will be used by either of the parties at



any stage of the case.

(Partha Sarthy, J)

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