

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8584 of 2023

Arising Out of PS. Case No.-126 Year-2019 Thana- SATHI District- West Champaran

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RAMESH DAS S/o Jalandhar Das R/v- Baudh Toal, Lachhnawta, P.S.- Sathi,
District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed his prayer for grant of
bail in a case registered under sections 363 and 366A of the
Indian Penal Code.

The earlier application for bail of the petitioner was
rejected vide order dated 22.6.2022 (Annexure-1) passed in Cr.
Misc. no.71537 of 2021.

As per the prosecution case, the petitioner is said to
have kidnapped the minor daughter of the informant.

Learned counsel for the petitioner submits that the
petitioner has remained in custody since 14.11.2019 ie for more
than 3 years 4 months and there is no chance of the trial
concluding in the near future. In the earlier order of rejection



dated 22.6.2022, liberty was granted to the petitioner to renew his prayer for bail after six months or on examination of the victim daughter of the informant, whichever is earlier. It has been more than 9 months since passing of the said order of rejection.

The application for bail is opposed by learned A.P.P. for the State.

A report was called for from the learned trial Court. As per the report received contained in letter no.274 dated 25.3.2023 of the learned Additional District and Sessions Judge V, Bettiah, West Champaran, charge was framed in the learned trial Court on 1.2.2021 however, the prosecution witnesses have not appeared inspite of issuance of summons,ailable warrants and non-ailable warrants for their appearance.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the daughter of the informant having returned, the petitioner having remained in custody for more than 3 years 4 months since 14.11.2019, the observation given in the earlier order of rejection dated 22.6.2022 and the prosecution witnesses not appearing in the learned trial Court inspite of issuance of summons,ailable warrants and non-ailable warrants, the Court directs the



petitioner to be enlarged on bail in connection with Sathi P.S.
Case no.126 of 2019 on furnishing bail bond of Rs.10,000/
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned Chief Judicial Magistrate,
Bettiah, West Champaran.

(Partha Sarthy, J)

Saurabh/-

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