

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41111 of 2023

Arising Out of PS. Case No.-183 Year-2021 Thana- PURNEA SADAR District- Purnia

MD. CHAND Son of Md. Taslim @ Taslim Resident of village - Jamuniya,
P.S. - Parwatta, Distt. - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 15-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S.T.
No.267/2021 arising out of Sadar (Muffasil) P.S. Case
183/2021, registered for the offence punishable under Sections
363, 364, 120B/34, 302 & 201 of the Indian Penal Code.

3. As per prosecution case, son of the informant was
kidnapped by present petitioner and others. It is stated that the
daughter-in-law of the informant was having illicit relation with
the petitioner which was objected by the informant's son. It is
further alleged that the petitioner and others kidnapped the
informant's son with an intention to kill him.

4. Learned counsel for the petitioner submits that
petitioner is languishing in custody since 14.04.2021 and prayer



for bail of the petitioner has been rejected earlier vide order dated 20.09.2022 passed in Cr. Misc. No.67588/2021. He further submits that the trial court report indicates that charge has been framed against the petitioner on 17.12.2021 and one official witness has been examined and 07 witnesses are yet to be examined in the case. He further submits that the delay of trial is not attributable to the petitioner as he is in custody since 14.04.2021.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner by submitting that prayer for bail of the present petitioner has already been rejected on merit. He further submits that on the identification of the present petitioner dead body has been recovered.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no.801 dated 25.08.2023 has sent its report which reveals that only one official witness has been examined and seven witnesses are yet to be examined in the case. The aforesaid report further reflects that the trial court has sought six months minimum time for concluding the trial.

7. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the petitioner has been rejected on merit alongwith the report of trial



court, I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner stands rejected.

8. However, if trial is not concluded within six months from the date of receipt / production of copy of this order, the petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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