

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57441 of 2023

Arising Out of PS. Case No.-216 Year-2020 Thana- KHARHAGPUR District- Munger

KUNDAN KUMAR S/O Ranjeet Kumar R/O Village- Murerhi, P.O and P.S-
Haveli Kharagpur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sagar Suman

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 06-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kharagpur P.S. Case No. 216 of 2020 registered for the offences punishable under Sections 366A/34 of the IPC and Section 8 of the POCSO Act.

3. As per prosecution case, petitioner alongwith other kidnapped the daughter of the informant.

4. Learned counsel for the petitioner submits that on 18.10.2022 the bail of the present petitioner has already been rejected on merit by this Court vide Cr. Misc. No. 71384 of 2021. He further submits that petitioner is in custody since 10.08.2021 and bears no criminal antecedent. He further submits that from perusal of FIR, it is evident that the informant



and petitioner are none else rather co-villagers. He further submits that petitioner is quite innocent and falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that earlier bail for the petitioner was rejected on merit vide order dated 10.01.2023 passed in Cr. Misc. No. 21568 of 2022. He further submits that there is specific allegation against the petitioner which is quite consistent with the statement of victim recorded under Section 164 of the Cr.P.C.

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. 443/2023 has sent its report which reveals that trial court has sought 2.5 months 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 as well as report of the trial court, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8. However, trial court is directed to conclude the trial



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

(Alok Kumar Pandey, J)

vashudha/-

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