

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63709 of 2023**

Arising Out of PS. Case No.-30 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

VIKASH KUMAR SON OF SANJAY KUMAR RAI @ SANJAY PRASAD
YADAV @ SANJAY RAI RESIDENT OF VILLAGE- NAWALPUR
MUSHARI, P.O. AND P.S.- KATHAIYA, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

- 4 03-11-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. The petitioner seeks bail in connection with
Bochahan P.S. Case No. 30 of 2021 registered for the offences
punishable under Sections 363, 366(A)/34 of the Indian Penal
Code.
3. As per prosecution case, there is allegation that
informant's daughter has been kidnapped. Informant suspects
that his daughter is with the petitioner (Vikash Kumar).
4. Learned counsel for the petitioner submits that
petitioner is in custody since 24.02.2021 and bears no criminal
antecedent. Petitioner is quite innocent and has not committed
any offence. He further submits that as per the FIR, the



informant had seen that some persons came with Scorpio and kidnapped his daughter and fled away towards Muzaffarpur but the informant did not register the FIR immediately. The occurrence took place on 31.01.2021 but the FIR was lodged on 06.02.2021 after six days delay without showing any reason for delay in lodging the FIR. The informant has only suspicion that his daughter is with the petitioner. He further submits that bail prayer of the petitioner has been rejected on merit by this court vide Cr. Misc. No. 42027 of 2021 on 13.10.2022 with direction to expedite the trial as early as possible. He further submits that on three consecutive occasions, the case is put up for the examination of I.O. but the I.O. has not turned up before the court despite being necessary direction and due to non-examination of I.O., trial is pending.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that earlier bail prayer of the petitioner has been rejected on merit by this court and the trial of petitioner is at the stage of conclusion.

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. 1373/2023 dated 13.10.2023 has sent its report which reveals that out of six charge-sheeted witnesses, five



witnesses have already been examined and the case is pending for the examination of I.O. The aforesaid report further reveals that concerned I.O. has already been retired from service and next date was fixed on 19.10.2023 for prosecution evidence. The trial court has sought two months time to conclude 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, the trial court is directed to take effective steps to conclude the trial expeditiously.

9. Office to communicate this order to the concerned District Magistrate as well as Senior Superintendent of Police with direction to them to take appropriate steps for production of concerned investigating officer in trial court so that case may be concluded as early as possible.

(Alok Kumar Pandey, J)

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