

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26064 of 2024

Arising Out of PS. Case No.-424 Year-2023 Thana- BELAGANJ District- Gaya

Shubham Kumar @ Shubam Raj @ Sububham Kumar S/o Sudhir Prasad R/o
Village Dasratha PS Baur Dist Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 24-06-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Session
Trial No. 325 of 2023, arising out of Belaganj P.S. case No. 424
of 2023 instituted for the offences under Sections 364A, 328,
120B/34 of the Indian Penal Code.

3. Prosecution case, in short, is that on the alleged date
and time, the son of the informant left home to go to Patna but
he did not return home. It is further alleged that next day, an
unknown persons threatened the petitioner and demanded
rupees five lakhs and told him that his son had been kidnapped.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Petitioner is not named in the FIR. The name of the petitioner transpired in this case during investigation on the basis of confessional statement of the co-accused Aditi Verma. Learned counsel further submitted that victim (son of the informant) has been recovered on the basis of statement of the co-accused Aditi Verma. Learned counsel further submitted that informant and his son (victim) have refused to participate in TIP which creates doubt over the prosecution story. Learned counsel further submitted that charge-sheet has already been submitted. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.07.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP referring to paragraph-64 of the case diary submitted that there is ample evidence to support the involvement of this petitioner in the alleged offence and, therefore, this petitioner does not deserve the privilege of bail.

6. Earlier, report regarding the stage of the trial was called for and the same has been received and kept at Flag-R. In the said report, the learned trial Court has report that two witnesses have been examined. It is further reported that if the prosecution co-operates, trial is expected to be concluded within



two months.

7. Considering the aforesaid facts and circumstances of the case as well as the present stage of the trial, this Court is not inclined to grant bail to the petitioner.

8. Prayer is rejected. However, if the trial is not concluded within a period of two months from the date of production/receipt of this order, liberty is granted to the petitioner to renew his prayer for bail before the trial Court, and the learned trial Court shall consider the same without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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