

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4136 of 2022

Arising Out of PS. Case No.-24 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

Sonu Kumar Son of Dhurupdev Ray, R/o- Baikunthpur, P.S.- Baikunthpur,
District- Gopalganj

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Naresh Chandra Verma, Advocate
For the Respondent/s	:	Mr. Anand Mohan Prasad Mehta, APP
For the Informant	:	Mr. Shekhar Singh, Advocate
		Mr. Sumit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 10-04-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned counsel for the State.

2. This is the third attempt of the appellant to obtain bail in connection with Baikunthpur P.S. Case No. 24 of 2019 in which the appellant is facing trial under Sections 364A, 302 and 201/34 of the Indian Penal Code.

3. As per the prosecution story, minor son of the informant was found missing from 27.01.2019 and FIR in this regard was lodged on 28.01.2019. The informant tried to located his son but he could not be found.

4. Earlier twice the prayer for bail has been rejected considering the materials on the record.

5. It appears from the impugned order dated



21.10.2022 passed by the learned Special Judge (Children), Gopalganj in Trial No. 12 of 2022 that in view of the materials present on the record, the prayer for bail of the appellant has been denied. Those materials which are before the learned trial court are not enclosed with the records, therefore this Court is unable to peruse the same.

6. Learned counsel for the appellant has submitted that this appellant has remained in custody for more than five years by now but the trial has not been concluded, he is being tried as an adult.

7. On the other hand, learned counsel for the informant submits that now the trial is on the verge of closure. The mother of the deceased and the I.O. of the case are the only two remaining witnesses who are to be examined.

8. Having regard to the submissions noted hereinabove, the observations of the learned trial court and there being no material to contradict the observations of the learned trial court before this Court, this Court would not interfere with the impugned order.

9. It is, however, noticed that the appellant has already remained in incarceration for five years and it is high time for the trial court to ensure conclusion of trial within a reasonable



period. Learned counsel for the informant submits that on the next day fixed in the matter mother of the deceased shall definitely appear before the court. His undertaking is noted.

10. The Superintendent of Police, Gopalganj is directed to ensure that the I.O. of the case must appear on the date fixed by the learned trial court for his appearance.

11. All endeavours be made to conclude the trial within a period of three months from the date of receipt/production of a copy of this order.

12. This appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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