

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82852 of 2024

Arising Out of PS. Case No.-52 Year-2019 Thana- GWALPARA District- Madhepura

Rajesh Yadav @ Rajesh Kumar @ Rajesh Kumar Yadav S/o Dhirendra Yadav
R/o Village_Jhanjhari_ P.S.- Gwalpara, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Puja Kumari, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-12-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Gwalpura P.S. Case no. 52 of 2019 registered under sections 363 and 366A of the Indian Penal Code.

3. As per the prosecution case, the informant states that his daughter who had gone out to ease herself disappeared and was not to be found inspite of search. In course of searching for her, it is stated that the informant's younger brother disclosed that she had been taken away by the petitioner on his motorcycle.

4. It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 09.04.2024 passed in Cr. Misc. No. 82110 of 2023.



Inspite of the petitioner having remained in custody since 11.9.2023 and though charge has been framed in the learned trial court, only one witness has been examined on behalf of the prosecution. Neither the witnesses on behalf of the prosecution are turning up for examination nor there is any chance of the trial concluding in the near future. The petitioner undertakes to abide by all the conditions which may be laid by this Court for his release on bail.

5. Learned A.P.P. for the State opposes the prayer for regular bail of the petitioner.

6. A report was called from the learned trial court. As per the report received contained in letter dated 5.12.2024 of the Additional Sessions Judge-II, Madhepura, one out of the six charge-sheeted witness has been examined on behalf of the prosecution. Summons have been issued against the other charge-sheeted witnesses

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R., the fact that the victim is still not recovered till date and trial has commenced in the learned trial court, one witness having been examined on behalf of the prosecution, the Court is not inclined to enlarge the petitioner on bail and the application



is rejected.

8. Liberty is granted to the petitioner to renew his prayer for bail in case there is no progress in the trial in the learned trial court within the period of six months.

(Partha Sarthy, J)

Ranjeet/-

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