

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85251 of 2023

Arising Out of PS. Case No.-132 Year-2021 Thana- CHAUSA District- Madhepura

Kanhaiya @ Kanhaiya Yadav @ Amit Yadav S/O Late Siya Ram Yadav
Resident Of Village- Bhatgama, P.S.- Chousa, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-02-2024

1. Heard learned Senior counsel for the petitioner and learned APP for the State.

2. The petitioner has renewed his prayer for grant of regular bail in connection with S. Tr. no. 167 of 2022 arising out of Chausa P.S. Case no. 132 of 2021 registered under sections 364 and 34 of the Indian Penal Code.

3. As per the prosecution case, the younger brother of the informant was kidnapped by the accused persons in a four wheeler vehicle in which the petitioner was also present.

4. Learned Senior counsel appearing for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 12.1.2023 (Annexure-1) passed in Cr. Misc. no. 24168 of 2022. In spite of the petitioner having remained in custody for more than 2 years, the trial has not still



concluded and there is no chance of the same concluding in the near future. Referring to the deposition of the prosecution witnesses it is submitted that they have not supported the prosecution case. The case of the petitioner stands on a better footing to that of co-accused Jaynath Yadav who has been enlarged on bail vide order dated 13.1.2023 (Annexure- 4) passed in Cr. Misc. no. 29843 of 2022.

5. The application for bail is opposed by learned APP for the State.

6. Report was called for from the learned trial Court. As per the report received contained in letter dated 11.1.2024 all the six witnesses on behalf of the prosecution have been examined and the evidence of the prosecution has been closed.

7. Having heard learned counsel for the parties and having perused the allegations as levelled in the F.I.R it transpires that the informant states that his younger brother went with Jaynath Yadav on his motorcycle. The accused persons including this petitioner came on a four wheeler and kidnapped him leaving behind Jaynath Yadav. Jaynath Yadav is not said to be among the kidnappers, as per the allegations in the F.I.R. Further taking into consideration the contents of the report of the learned Court below according to which all the six witnesses



have been examined on behalf of the prosecution and the evidence of the prosecution has been closed, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. The learned trial Court is directed to expedite the trial and to conclude the same preferably within a period of four months from the date of receipt/production of a copy of this order.

9. It is further made clear that none of the observations made herein in this order, which is only for the purpose of the bail application shall be used by either of the parties or considered by the learned trial Court in course of trial.

(Partha Sarthy, J)

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