

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.843 of 2015

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Rajesh Das, Son of Fuleshwar Das, Resident of Village-Hiratarh, P.S.-
Charkapathar, District-Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate.

For the Opposite Party/s: Mr. Satyendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 23-07-2015

Heard learned counsel for the parties as also perused the report of Sri Neeraj Kumar Thakur, Sub-Inspector, Jhajha Police Station dated 25.06.2015 submitted to this Court pursuant to the earlier order dated 14.05.2015.

Having regard to the nature of allegation for offence under Sections 366, 498-A and 120B of the Indian Penal Code and the fact that the petitioner is the husband, whose wife is missing for last two years and the petitioner had never instituted a police case, this Court would not be inclined to grant anticipatory bail specially when the allegation is that it was the petitioner on whose active role his wife was kidnapped and thereafter she is missing till date. What will significantly go against him that despite his assurance recorded in the order dated 25.06.2015 of this Court, the victim girl has not been recovered as yet.

When such an observation has been made, learned counsel for the petitioner has submitted that if the petitioner is given one more opportunity and is allowed provisional bail for a period of four weeks,

he, being aware as to where his wife is living at present in the State of Uttar Pradesh after being married to some other person, would be in a position to not only trace her but make the police recover his missing wife.

That being so, this Court would direct the petitioner, namely, Rajesh Das, to surrender before the court below within a period of four weeks from today and the court below shall grant provisional bail to the petitioner for a period of four weeks on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Shri Shyamal Kumaar, Judicial Magistrate, 1st Class, Jamui in connection with Jhajha P.S. case No. 80 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to the following conditions:-

- (i) That such provisional bail to the petitioner shall be only for the period of four weeks only.
- (ii) That both the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below

will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(v) The petitioner shall report to the officer-in-charge of Jhajha police station or to Sri Neeraj Kumar Thakur, Sub-Inspector of Police, Jhajha Police Station within a period of one week from the date of his being released on provisional bail and shall inform the police about whereabouts of his wife in writing.

(vi) The Jhajha police, thereafter, in company of the petitioner, shall go to the place where the petitioner claims his wife to be residing in Uttar Pradesh and if the wife of the petitioner is recovered from the place shown by the petitioner, the police shall not only bring the wife of petitioner for her production in the court where the criminal case is pending against the petitioner but also submit its report to the court below as with regard to recovery of the wife of the petitioner.

(vii) If the wife of the petitioner is recovered in the aforesaid manner by the police and produced before the court below, the provisional bail of the petitioner shall be



confirmed after recording the statement of his wife under Section 164 Cr.P.C. On the other hand, if the wife of the petitioner is not recovered by the police at the instance of the petitioner in aforesaid period of four weeks, the provisional bail of the petitioner after four weeks shall not be extended and he shall be taken into custody forthwith whereafter the prayer for regular bail shall be considered on its own merit.

Let a copy of this order be sent to the Superintendent of Police, Jamui for its onward transmission and compliance by all concerned including Officer-in-Charge, Jhajha Police Station and Sri Neeraj Kumar Thakur, Sub Inspector of Police, Jhajha Police Station.

(Mihir Kumar Jha, J)

Sujit/-

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