

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15385 of 2017

Arising Out of PS.Case No. -1255 Year- 2012 Thana -COMPLAINT CASE District- JAMUI

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Arun Malakar, son of Sri. Rajendra Malakar, R/v Barhara, P.S. Halsi, Distt. Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Umesh Malakar, S/o Late Dahan Mali R/v Mirjaganj, Sikandra, Distt. Jamui
3. Saroj Kumari, w/o Arun Malakar, R/v Barhara, Halsi. Lakhisarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Sri Uday Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

7 09-08-2017 Heard learned counsel for the petitioner, learned counsel for O.P. No. 2 and learned APP for the State.

Petitioner is languishing in judicial custody in connection with Complaint Case No. 1255(C) of 2012 for offences punishable under Sections 498(A) of the Indian Penal Code and ¾ of the D.P. Act.

The prosecution case, as lodged by the complainant-O.P. no. 2 is that his daughter was thrown out of the matrimonial house and came to her parental house to stay with O.P. no. 2. The petitioner was granted the privilege of provisional bail by a co-ordinate Bench of this Court on 30.01.2015 in Cri. Misc. No. 4047 of 2015 but since the conditions, which were imposed while granting provisional bail to the petitioner were not satisfied, his



bail bond was cancelled by the learned S.D.J.M., Jamui on 09.04.2015. Thereafter, the petitioner filed an Interlocutory application in the said Cri. Misc. Case No. 4047 of 2015 being I.A. No. 364 of 2016, which was rejected on 09.03.2016 on account of non-compliance of the provisional bail order.

Learned counsel for the petitioner and learned counsel for O.P. No. 2 both jointly submit that the victim lady Saroj Kumari is missing along with her son Aditya Kumar. In this connection, notices were issued to the victim lady but she has not appeared and the registered cover has returned with a report “addressee left, no such person is at this address.

Vide order dated 07.07.2017 a report was called for from the Superintendent of Police, Lakhisarai to investigate into the matter and submit a report. A report has been sent by the Superintendent of Police, Lakhisarai stating therein that a responsible officer, Rajkumar Prasad, Officer-in-charge, Lakhisarai was appointed to investigate into the matter and a letter has been sent by the Superintendent of Police, Lakhisarai vide Letter no. 343 dated 4.8.2017 that a report has been sent by the Investigating Officer that the victim lady, Saroj Kumari had come to her parental house in the year 2013 and on 14.07.2014, the opposite party no. 2, father of the victim lady, has taken his



daughter Saroj Kumari and grand-son to some other place. Thereafter, she neither returned nor there is any information about the victim lady.

It has been submitted by the learned counsel for the petitioner that petitioner is ready to comply with the conditions imposed on provisional bail but neither the victim lady nor her account number is available so that compliance can be done and that he is languishing in judicial custody since 10.02.2017 for no fault of his. He is still ready to keep his wife with full dignity and honour and comply with the conditions imposed by this Court in the provisional bail granted earlier.

However, learned counsel appearing on behalf of the complainant opposes the prayer for bail on the ground of ignorance of the whereabouts of the victim lady, who is his daughter and his grand son.

Learned APP for the State also opposes the prayer of bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jamui, in connection with



Complaint Case No. 1255 (C) of 2012.

(Nilu Agrawal, J)

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