

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38390 of 2017

Arising Out of PS.Case No. -144 Year- 2017 Thana -LALIT NARAYAN UNIVERSITY District-
DARBHANGA

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1. Binay Kumar Thakur, Son of Late Shobhit Thakur, Resident of
Village/Mohalla- Bella Dulla, P.S. L.N.M.U, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate
Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Smt. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 19-08-2017

Heard learned counsel for the petitioner and State.

The petitioner is accused in Vishvidhalay P.S. Case
No. 144 of 2017 for the offences under Sections 366 and 366 (A)
of the Indian Penal Code.

From perusal of the FIR it appears that the informant
suspected the involvement of this petitioner in disappearance of
his daughter with one Raju Giri, the tenant. Admittedly, the
informant and the petitioner are own brothers. It appears from the
statement made in paras-9 onwards that there is some dispute
with regard to partition of the property in the family.

There is no specific allegation against the petitioner
who is languishing in jail since 27.6.2017 having no criminal



antecedent. Suspicion regarding his involvement cannot be a ground to curtail the personal liberty of this petitioner as suspicion howsoever strong cannot take the character of proof.

In the peculiar facts and circumstances, when there is no specific allegation or any specific role played in the alleged missing of the daughter of the informant by the petitioner, the Court is inclined to grant bail to the petitioner, above named, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga at Laheriasarai or the successor Court in connection with Vishvidhalay P.S. Case No. 144 of 2017, subject to the condition that the petitioner will extend full cooperation in the conclusion of the trial and will not, in any manner, tamper with the evidence or influence the witnesses.

(Anil Kumar Upadhyay, J)

S.Pandey/-

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