

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1490 of 2018**

Arising Out of PS.Case No. -255 Year- 2012 Thana -BISFI (PATAUNA) District- MADHUBANI

Sanjay Paswan, S/o Ram Bahadur Paswan, Resident of Village- Baliya,  
P.S.- Benipatti, District- Madhubani.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Parmanand Kumar

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      19-03-2018                      Heard the learned counsel for the petitioner and the  
learned counsel for the State.

The petitioner seeks anticipatory bail in connection  
with Bisfi (Patauna) PS case no. 255 of 2012 corresponding to GR  
No. 2678 of 2012 registered for the offences punishable under  
Sections 363 and 366 of the Indian Penal Code.

The allegation of the prosecution is regarding the victim  
lady, wife of Jitan Mukhiya, having gone somewhere on 2.8.2012,  
but thereafter she became traceless. It is alleged that the petitioner  
herein and the said lady were seen boarding on a train.

The learned counsel for the petitioner submits that  
though, the lady is traceless, however, the materials in the case  
diary would show that till date no concrete proof has come on



record to prima facie connect the petitioner with the alleged offence. Paragraph-33 of the case diary would bear it out that since the husband of the lady was handicapped, she was in habit of fleeing away from her house on various occasions and lastly on the fateful day, she had fled away with one Satrugan Mukhiya. It is submitted that the petitioner has a clean antecedent.

Having regard to the facts and circumstances of the case, I find that there is lack of sufficient material in the case diary so as to warrant custody of the petitioner, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, however, subject to certain conditions for which the learned counsel for the informant has also agreed.

In such view of the matter, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Benipatti, Madhubani in connection with Bisfi (Patauna) PS case no. 255 of 2012 corresponding to GR No. 2678 of 2012, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.



It is further directed that the petitioner shall join investigation and would be present as and when he is called by the investigating agency. Any non-cooperation with the prosecution will result in cancellation of the present privilege of anticipatory bail, for which the investigating Officer/ prosecuting agency shall be free to approach this Court.

It is further directed that the petitioner would mark his presence before the Officer Incharge of the concerned Police Station at 10 A.M. on each and every Monday of the week and on account of his failure on two consecutive occasions to mark his attendance, the present privilege of anticipatory bail shall stand cancelled automatically.

**(Mohit Kumar Shah, J)**

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