

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4431 of 2019

Arising Out of PS. Case No.-384 Year-2018 Thana- BRAHMPUR District- Buxar

=====

Santosh Mishra Sri Acchaivar Mishra Resident of Village- Mathila, P.S.-
Koran Sarai, District – Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kritya Nand Jha

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 31-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Brahampur P.S. Case No. 384 of 2018
registered for the offence punishable under Sections 366/34 &
498 of the Indian Penal Code.

Informant has alleged that on 06.08.2018 at about
9:00 PM his wife had gone outside to attend the call of nature
but thereafter she did not return and even after much search, she
could not be located. Subsequently, he found that ornaments of
Rs. 25,000/- and cash of Rs. 20,000/- was also missing.
Thereafter he came to know that his wife used to speak from the
mobile which belongs to a person of his village namely Santosh
Mishra (Petitioner). Thereafter he informed the father of



petitioner but he became furious and shouted that his son took away his wife.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. The occurrence took place on 06.08.2018 and FIR was registered on 12.08.2018. It has been further submitted that petitioner is already married person having a children and the age of petitioner is only 22 years and the age of the victim is about 26 years as per the medical report. In her statement under Section 164 of Cr.P.C. she has stated that she went for natural call keeping cash and ornaments which is quite unbelievable in real life. Petitioner has no criminal antecedent and he is in custody since 10.12.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Brahampur P.S. Case No. 384 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two



consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

veena/-

U		T	
---	--	---	--

