

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64005 of 2019

Arising Out of PS. Case No.-492 Year-2019 Thana- KATIHAR District- Katihar

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Vikki @ Vicky Kumar Paswan s/o Arjun Paswan Village- Driver Tola, P.S.-
Town, Katihar, District- Katihar. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sah @ Baranwal

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Katihar Town P.S. Case No. 492 of 2019, registered for the
offence punishable under section 365 of the Indian Penal Code.

As per allegation made in the F.I.R., it is stated by the
informant that on 26.07.2019 at 6.00 p.m., her son went with his
two friends including the petitioner herein and has not returned
since then and she suspects that the petitioner and his friend are
involved in disappearance of her son.

The case diary, which had been called for by order
dated 18.10.2019, has been received.

It is submitted by learned counsel for the petitioner
that from perusal of the FIR as also from perusal of the case
diary including the paragraphs which have been referred to in



the order of learned Sessions Judge, Katihar while rejecting the application for bail of the petitioner, at best, what has come against the petitioner is suspicion which has been raised against him for the reason that he was a friend of the son of the informant. He submitted that no incriminating material has come against the petitioner in disappearance of son of the informant.

The application for bail is opposed by learned APP for the State, who submits that the suspicion raised by the informant against this petitioner is strengthened from the material that has transpired during course of investigation. Even after the date of his disappearance on 26.07.2019, it has come during investigation that on 27.07.2019, the son of the informant had a talk with the petitioner on mobile phone.

In response learned counsel for the petitioner submits that mere communication between the petitioner and the son of the informant on telephone on 27.07.2019, would not be material enough to implicate the petitioner for the reason that even if the son of the informant was in possession of the mobile phone had called this petitioner, he could have called any other person including the informant. Further, it is submitted that with respect to disappearance of the son of the informant on



26.07.2019, information was given to the police station after five days on 31.07.2019 and the FIR was thereafter registered on 31.07.2019.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner and he is directed to surrender in the court below within a period of six weeks from today and in the event of his arrest or surrender, he shall 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 Chief Judicial Magistrate, Katihar in connection with Katihar Town P.S. Case No. 492 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

As the son of the informant has still not been recovered, the petitioner shall cooperate in the investigation of the case and shall make himself available to the Investigating Officer of the case as and when required in course of investigation.

(Partha Sarthy, J)

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