

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5355 of 2022

Arising Out of PS. Case No.-229 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Santosh Ray Son of Sri Moti Ray Resident of Village - Jathua, Gardaniya
Chowk, P.s.- Hajipur Nagar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate.

For the Opposite Party/s : Mr. Yogendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-10-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Manish Kumar No2, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Hajipur Sadar P.S. Case No. 229 of 2021, for
the offences punishable under Sections 364 and 365/34 of the
Indian Penal Code.

The prosecution case is based on fardbayan of the
informant alleging therein that on 25.11.2020 at about 05:00 pm,
her husband after parking his tempo outside his door, went to a
tea shop for taking tea, but he did not return, thereafter, the
informant tried to locate his whereabouts but could not



succeeded. It is further alleged that the informant received information that her husband was taken away by the petitioner and other two persons, on account of land dispute and she suspected that her husband might have been killed by the petitioner and others.

It is submitted by the learned counsel appearing on behalf of the petitioner that from the FIR, it would be evident that with regard to an occurrence, which took place on 25.11.2020, the present FIR has been instituted on 07.03.2021, almost after a delay of three and half months but no explanation of delay has been given nor even a *Sanaha* report with regard to the missing of her husband has been given to anyone. He further submitted that in fact prior to the institution of this case, mother of the petitioner had registered Hajipur Sadar P.S. Case No. 68 of 2021 on 24.01.2021 and having come to know about the institution of that case, the informant lodged this case by making a false allegation of kidnapping. Learned counsel for the petitioner drawn the attention of this court towards Annexure- 3 and 4 and on the strength, thereof, he submitted that there is a series of litigation pending between both the families and by virtue of the decree passed in title partition suit, the petitioner has possessed a piece of land and all the family members have



been residing peacefully over the land, which is the bone of the dispute. He last submitted that the petitioner having fair antecedent, is in custody since 14.08.2021.

On the other hand learned APP for the State vehemently opposes the bail application and submitted that specific allegation has been leveled against the petitioner and till date the husband of the informant is trace-less.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record especially the delay in lodging of the FIR with regard to the kidnapping of the husband of the informant, apart from the period of incarceration of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 229 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

manoj/-

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

