

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25657 of 2021

Arising Out of PS. Case No.-283 Year-2020 Thana- KARJA District- Muzaffarpur

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Gonaaur Sahani @ Ganaaur Sahani Son of Late Sevak Sahani Resident of
Village- Barkagaon, P.S.- Karja, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

10 28-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Karja P.S. Case No. 283 of 2020 registered for the alleged offences under Section 365 of the Indian Penal Code.

The prosecution case is that the wife of the informant went missing and during investigation the fact came to the knowledge that the petitioner was involved in the occurrence.

The learned counsel for the petitioner submits that the FIR has been registered against unknown and the petitioner was not named by the witnesses examined earlier, but all the



witnesses changed their version after the call details report of the mobile number of the victim lady was taken out, which shows last call was made on the number of this petitioner. Except that, there is nothing on record to connect the petitioner with the alleged occurrence. Some bone pieces were sent for examination on the basis of claim of the family of the victim lady that it might have been remains of the victim lady, but it was not even ascertained that the bone pieces came from human body. Learned counsel further submits that merely on the basis of suspicion, the petitioner is in custody since 25.12.2020.

Learned APP has opposed the contention made on behalf of the petitioner, submitting that on the basis of technical investigation, in the call detail, report, the name of the petitioner surfaced and it has further come in the statement of the witnesses that the petitioner was having illicit relationship with the victim lady. The FSL report is on record but the Exhibit sample has been shown to be from human male DNA and for that reason no comparison could be made with exhibit marked as B of Amar Kumar.

Having regard to the submissions made hereinabove and considering the fact that no substantive piece of evidence has come on record connecting the petitioner with



the missing of the wife of the informant except that she was in touch with the petitioner on mobile phone and further considering the period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate - 5th , Muzaffarpur, West in connection with Karja P.S. Case No. 283 of 2020, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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