

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24538 of 2022

Arising Out of PS. Case No.-625 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

Ajay Sharma Son Of Late Radheshyam Sharma Resident Of Village -
Marahia, P.S. - Chapra Muffasil, District - Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 08-08-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Nawal Kishore Singh, learned counsel
appearing on behalf of the petitioner and learned APP for the
State.

Petitioner seeks for grant of bail who is in custody in
connection with Chapra Muffasil P.S. case no. 625 of 2021
registered for the offence under sections 363 & 366 (A) of the
Indian Penal Code.

As per the prosecution case, it is alleged that the
informant had filed a complaint case number 1019 of 2021
alleging therein that the petitioner used to come to his house and
always talk to his daughter namely, Chandani. It is further
alleged that the informant came to know that this petitioner had



taken away his daughter on motorcycle and thereafter, the informant tried to search out but could not find out his daughter. It is further alleged that when he went to the house of the petitioner, he was abused and assaulted.

Learned counsel appearing on behalf of the petitioner submits that with regard to an occurrence, which took place on 01.03.2021 a complaint case has been filed on 07.04.2021 and thereafter, the same has been sent to the concerned police station under sections 156 (3) of the Cr.P.C and finally the F.I.R has been instituted on 22.11.2021. It is further submitted that prior to institution of this complaint, the informant had given an information with regard to missing of his daughter on 27.12.2019, the copy which has been annexed as Annexure-2 of this application. It is further submitted that in fact, the daughter of the informant has been missing since 27.12.2019 and till date her daughter's, whereabouts has not been traced out. It is next submitted that there is partition suit which is going between the parties. It is further submitted that during the course of trial, the informant has not supported the prosecution case rather they have categorically stated that there is no involvement of the petitioner in taking away of his daughter. It is further submitted that other charge-sheet witnesses have also not supported the



prosecution case, copies of which have been produced before this court and the same has been kept on record. It is further submitted that the petitioner is in custody since 29.12.2021 and the informant on realizing the fact about the non-involvement the petitioner had comprised the matter.

On the other hand, learned counsel for the State opposed the bail application and submits that from the impugned order it appears that the victim is still trace less.

Having regard to the rival contentions of the parties and taking into consideration the fact that deposition of the informant during the course of trial as also the other materials available on the record, this court is inclined to enlarge the petitioner on bail, let the petitioner, above named, 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 Additional Chief Judicial Magistrate. IX th. Saran at Chapra in connection with Chapra Muffasil P. S. Case No. 625 of 2021 , subject to the condition that one of the bailors will be the close relative 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)

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