

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38464 of 2022

Arising Out of PS. Case No.-106 Year-2019 Thana- BUXAR District- Buxar

Ram Avtar Ram, Son of Late Ram Akshay Ram, Resident of Vira Nagar, P.S.-
Buxar Town, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-12-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that his marriageable daughter is alone at his home and her marriage was fixed on 15.12.2022 but the same has been deferred due to incarceration of this petitioner and no body else is in the house to take care of his daughter.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Buxar Town P.S. Case No. 106 of 2019 registered for the alleged offences under Section 364 of the Indian Penal Code.

As per prosecution case, the informant gave a written report that the petitioner is the husband of his daughter and she went missing from 01.11.2018 and evasive behaviour of the



petitioner made him suspect that the petitioner has either got her daughter kidnapped or sold her.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is clear from the FIR that the marriage was solemnized in the year 1996 and for 22 years i.e. from 1996 to 2018, there has been no problem. The wife of the petitioner had been working in a factory in Bulandsahar and she went missing from there and the petitioner filed an application before Khurja Nagar Police Station Bulandsahar regarding missing of his wife. The said missing report has been filed on 06.11.2018 whereas, the FIR has been registered on 12.02.2019. The son and the daughter of the petitioner have been living with the petitioner. During investigation, the police recorded their statements and they also stated that the wife of the petitioner went missing when she went to attend her duty in the factory. The learned counsel further submits that except for the written report of the informant, nothing has come during investigation about the role of the petitioner in missing of his wife. The petitioner is in custody since 04.04.2022 and the charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail.



Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the distinct lack of material against the petitioner to connect with the offence as alleged and further considering the submission of charge sheet, the petitioner 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 Chief Judicial Magistrate, Buxar, in connection with Buxar Town P.S. Case No. 106 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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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