

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49182 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- KURSAKANTA District- Araria

1. Runa Kumari D/O Dharmnath Mandal R/O Village-Rajaula, P.S.- Kursakanta (KUWARI), District-Araria.
2. Dharmnath Mandal S/O Mishri Das R/O Village-Rajaula, P.S.- Kursakanta (KUWARI), District-Araria.
3. Parvati Devi @ Parwati Devi W/O Dharmnath Mandal R/O Village-Rajaula, P.S.- Kursakanta (KUWARI), District-Araria.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha
For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 04-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 323, 379, 363A of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the present F.I.R. arises out of a Complaint Case No.2860-C of 2019 wherein the complainant alleges that he had two sons from his first wife and the name of one of the sons was Swagat Kumar. It is next alleged that after the death of his wife, he married



petitioner no.1, whose father petitioner no.2 had come to visit his daughter. It is next alleged that petitioner no.2 took petitioner no.1 and Swagat Kumar to his own house on 05.05.2019. It is next alleged that thereafter, Swagat Kumar was not found and whenever informant used to ask them, some frivolous reasons for his disappearance was given. It is next alleged that when Swagat Kumar did not come home even after two months, the informant filed the aforesaid complaint.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that the date of occurrence is 05.05.2019 and the complaint came to be instituted on 29.11.2019 i.e. after a delay of six months and thereafter, the present F.I.R. on the orders of the learned Court below came to be instituted on 07.01.2021. The learned counsel submits that thus, it appears that if what has been alleged by the complainant is true, then definitely, he would not have waited for nearly two months for the F.I.R. to get registered and nearly 06 months for filing the complaint case. It is next submitted that petitioner no.1 is wife of the informant and petitioner nos.2 and 3 are father-in-law and mother-in-law of the informant.

Learned A.P.P. opposes the bail application.



Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Kursakanta (Kuwari) P. S. Case No.07 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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