

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53041 of 2021**

Arising Out of PS. Case No.-342 Year-2021 Thana- NAGAR District-
Vaishali

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Mewalal Pandey @ Mewa Pandey @ Baba Son of Late Bachan Pandey
Resident of Village - Pandepatti, P.S.- Lauriya, Distt.- West Champaran,
Present resident at Mohalla- Gandhi Ashram, P.S.- Town Hajipur, Distt.-
Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mrs. Bela Singh, Advocate
For the State : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363 and 365 of the Indian
Penal Code.

As per allegation in the F.I.R. on 24.04.2021, it has been
alleged by the informant Kailash Singh that his wife Rita Devi
went for marketing on 05.04.2021 at about 12 hrs but did not
return back till date. On 21.04.2021 through telephone he got
information that his wife kept at Gayatri Mandir Akhara Ghat,



Muzaffarpur and his son went there but not get any clue.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the alleged date of occurrence as mentioned in the F.I.R. is 05.04.2021 and the present F.I.R. was instituted on 24.04.2021 delay about 19 days without any explanation of delay. He further submits that the victim lady is a major lady aged about 45 years of old and she was never abducted by the petitioner and the police recorded her statement under Section 161 of the Cr. P.C., paragraph-32 of the case diary in which she has categorically stated that she is already at home with her husband. The petitioner is in custody since 08.06.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Hajipur Town P.S. Case No. 342 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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