

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62379 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- KURSAILA District- Katihar

Dinesh Sharma S/O Late Gauju Sharma Residetn Of Village- Sameli, P.S.-
Kursela, District - Katihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-03-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Section 365 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 23.08.2021, charge-sheet has been
submitted in the case and has antecedent of one case.

The learned counsel for the petitioner submits that the
informant alleges that his son on 21.02.2021 had gone to the house of
the petitioner, but he did not return. Thereafter, it is alleged that his
neighbour Mahesh Sharma had seen this petitioner pulling the son of
the informant outside from his courtyard. It is further alleged that the
victim is still traceless.

The learned counsel for the petitioner submits that the date
of occurrence is 21.02.2021 and the F.I.R. has been lodged on



04.03.2021 i.e. after a delay of 12 days without any plausible explanation. The learned counsel thus submits that if the son of the informant would have been traceless as alleged in the F.I.R., then definitely the father of the informant would have approached the police station in time. The fact that there is an inordinate delay in instituting the F.I.R. that creates suspicion with regard to the prosecution case.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and there is an inordinate delay of 12 days in instituting the F.I.R. without any plausible explanation, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kursela P. S. Case No.33 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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