

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62705 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- JOGBANI District- Araria

Nikku Roy, aged about 21 years, Gender-Male, Son of Prabhu Ray, Resident of Village- Hanskosha, Ward No.-11, P.S.- Jogbani, District- Araria (Bihar) 854318.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363 and 366 of the Indian Penal Code to which sections 302, 201 and 120B was added subsequently.

As per the prosecution case, the daughter of the informant was married to the petitioner. The informant states that the same night of marriage his daughter went away with two unknown accused persons. The informant's son-in-law disclosed that she has taken away valuables with her. The informant further states that on search it transpired that she had run away with one Mahavadev Roy and Surendra Roy.

It is submitted by learned counsel for the petitioner



that the petitioner was not named as an accused in the FIR. In course of investigation the dead body of the daughter of the informant was recovered from the canal and postmortem conducted. The petitioner was falsely implicated in the case on the basis of the statement of his mother-in-law, wherein she states that the petitioner had confessed to his guilt before the priest in temple and further on the basis of his alleged confessional statement made before the police. The petitioner is in custody since 8.6.2020. It is further submitted that the trial in the case is proceeding and the petitioner undertakes to co-operate in the trial.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that has transpired in course of investigation, the petitioner having remained in custody for 1 year 11 months and not having any criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Session Trial No. 41 of 2021 (arising out of Jogbani P.S. Case no. 28 of 2020) on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Additional District and Sessions Judge-III, Araria.

In view of the trial having proceeded, it is directed that the petitioner shall co-operate in the trial and shall remain physically present in Court on each date of the trial. In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned trial Court or in case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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