

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70812 of 2021

Arising Out of PS. Case No.-86 Year-2016 Thana- MANIYARI District- Muzaffarpur

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GANESH SAH SON OF LATE BULAKI SAH RESIDENT OF VILLAGE
AND P.O- MAHANTH MANIYARI, P.S- MANIYARI, DIST-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Singh

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 17-10-2022 Let the defect(s), as pointed out by the office,

be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State .

The petitioner seeks bail in connection with

Maniyari P.S. Case No. 86 of 2016 registered for the

offences punishable under Sections 363, 372, 373, 376 of

the IPC.

As per prosecution case, On 19.05.2016 the

informant has given written statement before the police that

his wife, who was mentally ill, disappeared from home all

of a sudden on 13.04.2016. She was being searched since



then, but she could not be traced. A week ago, his wife called him and told him to come to Shahjahanpur Station and she cut the call without narrating the whole story. Thereafter, she again called on 14.05.2016 and told him that she is in the house of one Ramadhar Singh at Shahjahanpur and again the mobile phone was switched off.

Learned counsel for the petitioner submits that petitioner is in custody since 18.09.2021 and bears criminal no antecedent. He further submits that petitioner is not named in the F.I.R. Name of present petitioner has been transpired in the present case on the basis of statement made by victim under Section 164 of Cr.P.C. He further submits that occurrence took place on 13.04.2016 but the FIR was lodged on 19.05.2016, there is an inordinate delay in lodging the F.I.R. without explaining any valid reason. He further submits that petitioner is quite innocent and falsely implicated in the case. He further submits that similarly situated co-accused Raj Kumar Sah has already been granted bail vide Cr.Misc.No 18133 of 2018 by a co-ordinate bench of this Court which is evident from Annexure -2 of the bail petition and the case of present



petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that allegation against the petitioner is quite obvious and same is supported and corroborated by statement of victim recorded under Section 164 of Cr.P.C.

Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with statement of victim recorded under Section 164 of Cr.P.C as well as material available on record, I am not inclined to grant bail to the present petitioner. Accordingly, prayer for bail of the present petitioner stands rejected.

However, the learned trial court is directed to conclude the trial as early as possible.

(Alok Kumar Pandey, J)

vashudha/-

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