

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71754 of 2021

Arising Out of PS. Case No.-222 Year-2021 Thana- BAISI District- Purnia

MD. MIRAJ Son of Late Sukhana R/o Village - Pahariya, P.S.- Baisi, District
- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vikram Singh, Advocate Mr. N.K. Aggrawal, Sr. Advocate Mr. Vikram Singh, Advocate
For the Opposite Party/s :		Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-09-2022 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 365 and 34 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that his sister was staying with him and had gone to meet her husband(petitioner) for getting some money for the festival but she did not return as such it is alleged that the informant came to know from the villagers that on the date of occurrence, the petitioner along with other accused persons assaulted her and thus alleges that the victim is missing till date.



Learned senior senior counsel for the petitioner submits that the victim was married to the petitioner 15 years back and out of wedlock two children were born, who are presently minor, it is also submitted that from bare perusal of allegation as alleged in the FIR, it would manifest that the victim was not staying with the petitioner rather she was staying at her brother's place and after informing, his brother had gone to meet her husband but she did not return, it is next submitted that the said allegation in no manner even remotely suggests that the victim had reached the house of the petitioner and thereafter she went missing, it is next submitted that as far as it is alleged that it were the villagers who informed the informant about the occurrence is also stand falsified for the reasons that in the case diary no statement of any of the villagers has been recorded, the learned senior counsel for the petitioner next submits that the entire allegation hinges around suspicion in which along with petitioner his minor sons have also been implicated. It is next submitted that the marriage was 15 years old and in these 15 years no case ever came to be instituted and all of a sudden the informant is alleging that petitioner was instrumental in missing of the sister who is also the wife of the petitioner and mother of his children, the learned senior senior counsel next submits that



from perusal of the case diary it would also manifest that no witness has come forward even to remotely suggests that they had seen the victim in the company of the petitioner or at his resident.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Baisi P.S. Case No. 222 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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