

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22286 of 2022

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

1. Raj Kishore Paswan Son of Gauri Paswan
2. Kalawati Devi @ Kalawanti Devi W/o- Raj Kishore Paswan
Both resident of Village - Turki Barkurba, P.S.- Kudhani, District.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 17-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

As prayed for, permission is granted to make necessary correction in first paragraph of the petition with regard to Section of the Indian Penal Code.

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

Petitioners seek regular bail in connection with Maniyari P.S. Case No. 86 of 2016 registered for the offence punishable under Section 363 of the Indian Penal Code.



As per the prosecution, the informant's wife disappeared from the alleged date and time.

The main submissions advanced by the learned counsel Mr. Hari Kishore Thakur for the petitioners are that the FIR was lodged after the delay of 36 days from the date of missing of the victim, after the institution of FIR the victim herself returned back and in the FIR there is details of three mobile numbers but regarding the said numbers no investigation was made and the same were not verified by the investigating agency. The petitioners have been languishing in jail since 19.01.2022 and they surrendered before the court below and they have fair and clean antecedent. Further submission is that one similarly situated co-accused Raj Kumar Sah @ Raj Kumar has been granted by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 18133 of 2018.

Learned APP Mr. Mithlesh Kumar Khare appearing for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly taking into account the petitioner's custody period and privilege of bail having been granted to similarly situated co-accused person by a co-ordinate bench of this court, this court is inclined to accept the prayer of the petitioners. Accordingly, let the



petitioners be released on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Maniyari P.S. Case No. 86 of 2016.

(Shailendra Singh, J)

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