

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57163 of 2023**

Arising Out of PS. Case No.-185 Year-2017 Thana- MINAPUR District- Muzaffarpur

SONELAL SAHANI Son of Ramsagar Sahani R/o vill - Kharhar, P.S. -  
Minapur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Nachiketa Jha, Advocate       |
| For the Opposite Party/s | : | Mr. Sunil Kumar Pandey, APP       |
| For the Informant        | : | Mr. Sanjay Kumar @ S.K., Advocate |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      08-11-2023                      1. Heard learned counsel for the petitioner, learned  
A.P.P for the State and learned counsel for the Informant.

2. The petitioner has preferred this application for  
grant of regular bail in connection with Minapur P.S. Case  
no.185 of 2017 registered under sections 406 and 364 of the  
Indian Penal Code.

3. As per the prosecution case, the informant states  
that the accused persons including the petitioner herein took  
away the brother of the informant stating that he would get work  
in the State of Haryana and also Rs.5,000/- per month. The  
informant states that for sometime his brother was in contact on  
telephone but thereafter there was no contact. On their making  
inquiries with the accused persons including the petitioner  
herein, the accused were not forthcoming and kept assuring that



the informant's brother would return and they would also get the amount due to him. This was also undertaken by them in the *Panchayati*. However neither their brother could be traced till today nor the amounts paid. As such the informant apprehends that he has been kidnapped and murdered.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Even from the contents of the F.I.R, it would be evident that the brother of the informant was in contact with the informant from Haryana. At best the case against the petitioner is of last seen. He is in custody since 10.5.2023 and has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the F.I.R but there is direct allegation against him that he took the brother of the informant on pretext of work to Haryana and thereafter has made him to disappear. In spite of the assurances given by the petitioner to the informant as also before the *panchayati*, the informant's brother could not be traced. As such the informant genuinely apprehends that he has been kidnapped and murdered or sold away.

6. Having heard learned counsel for the parties and



taking into consideration the allegations in the FIR, the material that has transpired in course of investigation, the petitioner being in custody since 10.5.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Minapur P.S. Case no.185 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1<sup>st</sup> Class, Muzaffarpur (East), Muzaffarpur.

**(Partha Sarthy, J)**

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