

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1909 of 2022

Arising Out of PS. Case No.-30 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

Thuthur Ram @ Satyanarayan Ram S/O Bipat Ram @ Vipat Ram Resident
Of Village- Sidhailiya (SIDHVALIYA) P.S.- Rajepur District- East
Champanan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Ms. Asha Devi

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

9 23-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with
Sessions Trial No. 99 of 2021, arising out of Tariyani P. S.
Case No. 30 of 2019, registered for the offences punishable
under Sections 363, 366 and 34 of the Indian Penal Code.

The prosecution case as emerges from the FIR is
that the informant had gone outside for his livelihood leaving
his wife and three children. It is further alleged that when he
tried to talk to his wife on telephone, someone started
abusing him and disconnected the phone. Thereafter, he
inquired about his wife and children from his brother, who



told him that he had received information that 3-4 days back his wife had gone with her brother-in-law at his village Sindhauliya. The informant, thereafter, made contact with his brother-in-law on his mobile but did not succeed to talk to him. It is further alleged that the brother-in-law had taken away his wife and children.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further refers to the report sent by the Superintendent of Police, Sheohar *vide* Memo No. 17/L.C., dated 04.02.2023, as per which he has informed that the alleged victim along with her three children was traced in Ropar (Punjab) and as per her statement as recorded under Section 164 Cr.P.C., she had voluntarily left her matrimonial home on account of torturing by the informant-husband and for livelihood she was doing some domestic work in Punjab while living with her parents there. She has also stated that she has remarried with one Deepak Kumar and she wanted to live with him.

He further submits that the petitioner has been



languishing in jail since 14.06.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly the statement of the alleged victim recorded under Section 164 Cr.P.C. as also the report of Superintendent of Police, Sheohar, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. District and Sessions Judge, Sheohar, in connection with Sessions Trial No. 99 of 2021, arising out of Tariyani P. S. Case No. 30 of 2019, on the following conditions:

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.



Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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