

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.719 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- BUDDHACOLONY District- Patna

AMBUJ SRIVASTAVA Son of Suresh Prasad Resident of Village -
Narkatiganj, Krishi Market, P.S.- Sikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Sanjay Kumar @SK

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 18-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 420, 363, 365, 406 and 34 of the Indian Penal Code.

As per the prosecution case, the informant states that finding the mobile phone of his daughter who was residing in a hostel regularly switched off, he came to the hostel at Patna where she used to reside. On search, it transpired from a marriage certificate that she had got married to the petitioner in an Arya Samaj Mandir at Patna City. Thereafter the petitioner denied knowledge of her whereabouts. The informant states that he suspects that the petitioner along with his parents kidnapped his daughter. On secretly inquiring about his daughter, her friends disclosed that the petitioner had arranged for a second



marriage which was opposed by the informant's daughter. Thereafter the petitioner took her to Himachal Pradesh and since then her mobile is switched of.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No incriminating material has transpired in course of investigation to connect the petitioner with the alleged crime. It is incorrect to state that the informant found the certificate of marriage of his daughter with the petitioner. The petitioner is in custody since 17.5.2021 and charge has been framed in the learned Court below. He undertakes to cooperate in the trial and to abide by the conditions which may be laid by this Court for his release on bail.

The application for bail is opposed by learned A.P.P. for the State learned counsel for the informant.

It is submitted by learned counsel for the informant that not only the petitioner is named in the FIR but there is direct material against him in the FIR wherein the informant discovered the marriage certificate of their marriage in the Arya Samaj Mandir as also the information gathered by the informant from his daughter's friends. It is further stated that it has come in course of investigation that the tower location of the phone number of the informant's daughter and the petitioner were found at Buxar, Delhi, Gajipur and Himachal Pradesh. It



is lastly submitted that the daughter of the informant is still traceless.

Having heard learned counsel for the parties and taking into consideration the nature of material that has transpired in course of investigation being circumstantial in nature, investigation in the case having concluded, the petitioner having remained in custody for more than 1 year 8 months since 17.5.2021 and charge having been framed in the Court below, the Court directs the petitioner to be enlarged on bail in connection with Buddha Colony P.S. Case no. 160 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.II, Patna.

It is directed that the petitioner shall cooperate in the trial in the learned trial Court and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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