

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6976 of 2024

Arising Out of PS. Case No.-324 Year-2022 Thana- KARJA District- Muzaffarpur

MANISH KUMAR SON OF MADAN RAI @ MADAN KUMAR RAY
RESIDENT OF VILLAGE - CHIKNAUTA, P.S. - KARJA, DISTRICT -
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Hari Kishore Thakur
For the Opposite Party/s	:	Mr.Mritunjay Kumar Nirala
For the Informant	:	Mr. Sunil Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with
Karja P.S. Case No. 324 of 2022 registered for the offence under
Sections 366/34 of the Indian Penal Code.

3. As per the prosecution case, a forty year old
lady, who is the mother of three grown-up childrens is alleged to
have been taken away by the petitioner and other accused
persons who are named in the FIR.

4. Learned counsel for the petitioner submits that
except for suspicion, there is no material available to connect



the petitioner with the crime. He further submits that the petitioner is a boy aged about 20-22 years and he is not expected to elope with a lady who is the mother of three grown-up children. He also submits that the informant and his wife used to stay in Kolkata and now the informant has come back to his village and there is a strong possibility that because of the same, the wife of the informant has left him and the petitioner is in jail because of suspicion.

5. Learned counsel for the petitioner further submits that the petitioner is in jail since 1.9.2023.

6. Learned counsel for the informant and learned APP for the State have vehemently opposed the application of the petitioner for grant of bail by contending that materials have come during investigation to connect the petitioner with the crime and the witnesses have also supported the prosecution case.

7. Learned counsel for the informant further submits that the trial has started and one witness has already been examined.

8. From perusal of the materials available on record, it appears that the petitioner is named in this case only on the basis of suspicion and during investigation, no material



has come to connect the petitioner with the crime and the statement of the witnesses on which the learned counsel for the informant has relied is nothing but repetition of the FIR and they are hearsay witnesses.

9. Considering the aforesaid facts, this application is allowed.

10. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Muzaffarpur, West in connection with Karja P.S. Case No. 324 of 2022.

11. As a condition of this order, the petitioner is directed to co-operate in the further investigation of this case.

12. The Senior Superintendent of Police, Muzaffarpur is directed to form an SIT for tracing out the victim as from the diary, it appears that the investigation is not being properly done by the police. The CDR of the mobile number of the victim or the accused persons has also not yet been obtained by the investigating officer of the case.

13. The Senior Superintendent of Police, Muzaffarpur will also see to it that the victim is recovered at the earliest and the true facts of the case come in light.



14. Mr. Jharkhandi Upadhyay, learned APP for the State will take necessary instructions from the Senior Superintendent of Police, Muzaffarpur in this regard.

15. Let a copy of this order be communicated to the Senior Superintendent of Police, Muzaffarpur through FAX for its compliance.

(Sandeep Kumar, J)

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