

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6801 of 2024

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

Shivji Sahni Son of late Darbi Sahni Resident of village- Kharhar Gosaipur,
P.S.-Minapur, Distt.-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Minapur P.S. case No. 185 of 2017 instituted for the offences
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 submitted that the petitioner has falsely been implicated in the present case on the basis of suspicion. At the best, the case against the petitioner is of last seen. Similarly situated co-accused person has already been granted bail by a Coordinate Bench of this Court vide order dated 08.11.2023 passed in Cr. Misc. No. 57163 of 2023. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.05.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Minapur P.S. case No. 185 of 2017 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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