

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15934 of 2024

Arising Out of PS. Case No.-222 Year-2022 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Surendar Sharma @ Surendra Sharma S/o Late Laxmi Sharma R/o Village -
Jalley Hat, P.S. - Jalley, Dist. - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niro Devi W/o Sushil Mahto R/o Vill - Jalley Hat, P.S. - Jalley, Dist. -
Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13 with Mr. Rohit Kumar, Advocates
For the State	:	Mr. Mritunjay Kr. Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-03-2024 Heard Mr. Manish Kumar No. 13, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection

with Complaint Case No. 222 of 2022, wherein cognizance has

been taken for the offences punishable under Sections 365/34 of

the Indian Penal Code.

3. Initially, an FIR being Jalley P.S. Case No. 68 of

2013 was instituted on 03.07.2013 alleging therein that the

petitioner and other named accused persons took her husband to

Bangalore on the pretext of providing handsome wages,

however, he did not return and when the complainant asked the



petitioner to bring back her husband, a demand of Rs.25,000/- was made. Apprehending the kidnapping or foul play, the FIR was instituted.

4. It is submitted on behalf of the petitioner that the police have investigated the matter, however, after having found no complicity of the petitioner, a final form has been submitted *vide* final report No. 95/19 and the petitioner has not been sent up for trial. The complainant being dissatisfied and felt aggrieved by the manner in which the investigation has been conducted filed a protest petition being complaint Case No. 222 of 2022 wherein the learned court has taken cognizance for the offences punishable under Sections 365/34 of the Indian Penal Code necessitating the petitioner to file the present anticipatory bail. He lastly submits that the husband of the petitioner is still traceless since 2013 and during the course of investigation it has come that the opposite party no. 2 always used to quarrel with her husband and on account of such annoyance, he left his home and did not turn up till date.

5. On the other hand, learned counsel for the State opposes the bail application and submits that there is specific allegation against the petitioner that he was the person who has taken away the husband of the complainant.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the police after investigation has submitted final form showing the case to be true but there is no clue and cognizance has been taken only on a protest petition, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Darbhanga in connection with Complaint Case No. 222 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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