

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19198 of 2024**

Arising Out of PS. Case No.-155 Year-2023 Thana- MUFFASIL District- West Champaran

Dharmendra Puri Son of Late Bhagwat Puri R/o Village - Lalgah Shiv Tola,  
P.S.- Muffasil Banuchhapar O.P., District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Kanhiya Kishor

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      17-05-2024

Heard the parties.

2. The petitioner is in custody in connection with S. Tr. No. 741 of 2023 arising out of Muffasil (Banuchhapar O.P.) P.S. Case No. 155 of 2023 for the offence under Sections 363, 365 of the Indian Penal Code later on Sections 302, 201/34 of the Indian Penal Code lodged on 03.03.2023 by the informant, Rajesh Kumar Kushwaha.

3. As per the prosecution story, informant alleged that his son was sleeping after taking meal. When the informant wake up did not found him on the bed. They tried to search but even the phone was switched off. Accordingly, case registered under Sections 363, 365 of the I.P.C. Later a dead body was recovered whereafter the matter was investigated and charge-



sheet submitted under Sections 302, 201/34 of the I.P.C.

4. The case of the petitioner that it is a case of last seen on the basis of which he has been implicated. Further, the police took them in custody under coercion, she also made confession about her involvement. She has remained in custody since 24.06.2023 and ready to abide by all the terms and conditions.

5. Learned counsel for the informant, on the other hand, submits that the informant's son Sonu Kumar was in love with the petitioner's daughter which was resented by them and this led to the present occurrence. It is his further submission that the shoe of the deceased was found in the house of the petitioner.

6. Earlier the case of the petitioner was heard and rejected on 23.08.2023 in Cr. Misc. No. 53536 of 2023 and now, this is second attempt.

7. Learned counsel for the petitioner reiterates that it is a case of last seen, he has already suffered by being in custody since 24.06.2023 (paragraph 6 of the petition), he do not have criminal antecedent and will diligently appear in trial, if granted bail.

8. Learned APP opposes the prayer stating that there



was recovery of shoe of the deceased from the house of the petitioner.

9. Considering the aforesaid period of custody as also the fact that he do not have criminal antecedent, he has remained in custody for almost ten months, he undertake to diligently appear in trial, this Court is inclined to extend him the privilege of bail with conditions.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II, Bettiah, West Champaran, in connection with S.Tr. No. 741 of 2023 arising out of Muffasil (Banuchhapar O.P.) P.S. Case No. 155 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

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