

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32131 of 2024**

Arising Out of PS. Case No.-339 Year-2022 Thana- SAHARSA SADAR District- Saharsa

Md. Wakil @ Md. Okil Son of Md. Sakil @ U.P. Wala Resident of Village -  
Sulindabad, P.S. - Saharsa, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

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

ORAL ORDER

6      20-11-2024                      Heard Mr. Pramod Mishra, learned counsel for the  
petitioner and the State.

2. The petitioner is in custody in connection with Saharsa Sadar P.S. Case No. 339 of 2022 for the offence punishable under sections 363, 365, 341, 323 and 34 of the Indian Penal Code lodged on 07.05.2022 by the informant, Juhi Khatoon.

3. As per the prosecution story, the informant alleged that his elder son was returning after his duty at Railway Rake point when his friends took him away, an altercation took place whereafter her son failed to return. She has named the accused in the FIR which led to the implication of the petitioner.

4. Learned counsel for the petitioner submits that alleged deceased was a student, after meeting everyone, parted



way, he had no knowledge about the whereabouts of the alleged deceased but despite the said fact, he remained in custody since 30.01.2023 (paragraph-10 of the petition) save and except the one month provisional bail which was granted earlier by the Coordinate Bench. Further, he do not have any criminal antecedent and shall be diligently appearing in trial.

5. Considering the fact that the dead body of the deceased was never found out, on 30.10.2024, the Superintendent of Police, Saharsa, Mr. Himanshu, I.P.S. who was appearing through video conferencing was given certain directions which includes:-

*“(i) the matter should regularly be supervised by one of the Dy.S.P. who in turn shall be reporting to the Superintendent of Police, Saharsa every month;*

*(ii) the role of the family members/ relatives/ friends/ neighbours be also inquired into in this case;*

*(iii) the Telecommunication Department should be requested to provide all the details relating to the role of the accused persons vis-a-vis the deceased who are duty bound to cooperate the police officials to go to the root of the case as the*



*disappearance of an innocent person has still not been clear.”*

6. This Court expects the concerned Superintendent of Police, Saharsa to take the matter seriously and to go to the root of the alleged disappearance of the informant's son.

7. So far as this petitioner is concerned, he has remained in custody since 30.01.2023, was granted provisional bail for a brief period and diligently surrendered thereafter which has come by way of supplementary affidavit and it has been undertaken that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. 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 Judicial Magistrate, Ist Class/concerned Court, in connection with Saharsa Sadar P.S. Case No. 339 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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.

**(Rajiv Roy, J)**

Adnan/-

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