

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34975 of 2022

Arising Out of PS. Case No.-70 Year-2008 Thana- BAUNSI District- Banka

Sk. Hafiz @ Sheikh Hafiz @ Md. Hafij Son of SK. Kalimuddin @ Sheikh
Kalimuddin Resident of Village - Sikanderpur, P.S.- Bounsi, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Mishra, Advocate Md. Nurul Hoda, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

15 28-06-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner submits that vide order dated 05.07.2023 the petitioner was granted provisional bail by this Hon'ble Court. Counsel submits that so far as the merit of this case is concerned, the case has been filed under Sections 304B/201/34 of the Indian Penal Code read with Section 3/4 of the D.P. Act. Counsel submits that in the FIR there is an allegation that mother (wife of the petitioner) and his son both were traceless and there is likelihood that petitioner and his family members had killed them. Learned counsel for the petitioner submits that the alleged son of the petitioner has been recovered by the police and his statement under Section 164



Cr.P.C. has been taken, which is Annexure-L to the counter affidavit filed by the State.

3. Upon perusal of the said annexure, it transpires to this Court that the son of the petitioner has disclosed that from the very childhood she was not in contact with his mother. He submits that his different relatives also did not disclose about the whereabouts of his mother. The trial Court has assessed the age of the petitioner as 16 years, who is reading in Class-VIII. He has also stated that his maternal grand-father has filed this case due to which his father went into custody.

4. Learned counsel for the petitioner submits that charge has already been framed and no purpose shall be served keeping the petitioner into custody. He is ready to assist the trial.

5. Learned counsel for the State submits that in this case this Hon'ble Court has pleased to call for a report from the Superintendent of Police about the different cases pending in which victims were not traced. Learned counsel submits that after direction of this Court for the first time after first direction received from this Court till date there are about 50 cases in which recovery of victim took place and affidavit has been filed time to time in this case. Counsel for the State submits that from the latest affidavit, which has been filed on 15.05.2024, it



transpires that recovery in five more cases have been made whose names have been mentioned in paragraph-7.

6. In the light of the submissions made, this Court is of the view that the provisional bail application of the petitioner granted vide order dated 05.07.2023 is hereby directed to be confirmed and there is no need of continuation of this case further.

7. With this direction, this application is disposed off.

8. This Court hereby appreciate the steps taken by Mr. Satya Prakash, the then Superintendent of Police, Banka, with regard to recovery of victims in about 49-50 criminal cases pending in the district, whose description has been given in paragraph-7 of the supplementary affidavit dated 13.05.2024. It is directed to the State through Director General of Police, Bihar, that the appreciation regarding the steps taken at the level of Mr. Satya Prakash, the then Superintendent of Police, Banka, be entered into his service book following the provisions of law laid down in the Rules 855 and 860 of Chapter XXVI of the Bihar Police Manual, 1978.

(Dr. Anshuman, J)

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