

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55194 of 2024

Arising Out of PS. Case No.-564 Year-2023 Thana- MADHUBAN District- East Champaran

Vijay Sahni @ Vijay Shani Son Of Late Yogi Sahni Village- Khairwa, Ps-
Madhuban, Dist- East Champran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Usha Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 30-09-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 406, 302, 120B, 34 of the IPC in connection
with Madhuban P.S. Case No.564 of 2023.

3. The learned counsel for the petitioner submits that
by order dated 28.08.2024 case diary was called for, but the
same till date has not been received. The Court will not wait
endlessly for the case diary and thus proceeds to decide the case
on merits based on allegations as alleged in the FIR and the fact
which stands recorded in the order impugned.



4. The learned counsel for the petitioner next submits that petitioner is a person with clean antecedent and the informant alleges that on 20.02.2023 the petitioner along with co-accused came to her house and offered a job to her husband on daily wages at Rs.1000/- per day at Bengaluru, thereafter, her husband accompanied them to Bengaluru on 22.02.2023, further when her husband demanded his due wages of Rs.1,70,000/- he was assaulted, next alleges that the accused including the petitioner assured her husband that the wages would be paid at the native village, further on 10.08.2023 the accused persons along with her husband proceeded for their native village, but her husband did not reach nor the accused persons including the petitioner were able to give any satisfactory explanation about her husband, hence alleges that her husband might have been killed by the accused persons and they disappeared his body with an intention to grab the unpaid wages.

5. The learned counsel for the petitioner submits petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the entire allegation hinges around suspicion. It is also submitted that it absolutely does not stand to reason that as to how the husband



of the petitioner was sustaining himself at Bengaluru in absence of wages. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. The learned APP opposes the anticipatory bail application.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Madhuban P.S. Case No.564 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself as and when required, in that event, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.



9. It is further made clear that in the event if charge sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

10. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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