

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78238 of 2023

Arising Out of PS. Case No.-226 Year-2021 Thana- KALYANPUR District- Samastipur

VIKASH KUMAR SON OF RAM KUMAR RAY RESIDENT OF
VILLAGE - HAKIMABAD, P.S. - MUFASSIL, DISTRICT - SAMASTIPUR
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-01-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Kalyanpur P.S. Case No. 226 of 2021 for the offence under sections 365, 368 and 34 of the I.P.C. lodged on 13.08.2021 by the informant, Lalo Devi.

3. As per the prosecution story, the informant has alleged that her son went to Bazar Samiti but failed to return, even the search for him became unsuccessful and later it came to her knowledge that her son used to talk to Sabina Khatoon and Ravina Khatoon and as such he suspected their role, the petitioner being associate of Sabina Khatoon and Ravina Khatoon he was also named in the FIR.

4. Learned counsel for the petitioner submits that he has no role to play in the matter only on suspicion that her son used to talk to Sabina and Ravina Khatoon and he also



conversed with them, his name has been dragged in. He does not have any criminal antecedent and is ready to appear before the police/Court as and when required.

5. Learned APP opposes the prayer stating that the son is still trace-less.

6. It is unfortunate that the police had failed to locate/search the son of the informant. However, as the story unfolds, the son disappeared on 8th of August, 2021 and the FIR was lodged five days later on 13.08.2021, he does not have criminal antecedent. FIR is lodged, he will be ultimately facing the music, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 226 of 2021 of subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 next 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 anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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