

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81071 of 2024

Arising Out of PS. Case No.-145 Year-2024 Thana- BANKA District- Banka

Sagar Singh @ Sagar Lal Barti @ Sagar Lal Bharti Son of Bhuneshwar
Prasad Singh R/O Vill.- Rainia, P.O.- Jagdiha, P.S.- Banka, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md.Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Banka P.S. Case No. 145 of 2024 for the offence punishable under sections 363 and 365 of the Indian Penal Code lodged on 05.04.2024 by the informant, Sanjay Kumar Yadav.

3. As per the prosecution story, the informant alleged that his wife moved alongwith an unknown person with two minor children and despite search, could not be found. Subsequently, during the investigation, the role of the petitioner came that he has enticed and taken the lady to his place which led to his implication and is in custody since 26.08.2024 (paragraph-4 of the petition).

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that the lady moved on her own



alongwith her children and subsequently, during the investigation, she made statement that due to regular assault by the husband, she left the place. The petitioner has nothing to do with the lady but she got a solace and was residing nearby which led to his implication and jail and further, he do not have any criminal antecedent.

5. Learned APP, Mr. Bharat Bhushan opposes the prayer for bail submitting that the lady alongwith the children were missing and the role of the petitioner has come during the course of investigation.

6. Taking into account the submissions put forwarded by the parties as also that the informant's wife is a matured lady, she moved out alongwith her children, only because she was found closer to the petitioner's house, implicated, charge-sheet submitted, he shall be facing the music and is in custody since 26.08.2024, this Court is inclined to extend him the privilege of bail with conditions.

7. 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, Banka, in connection with Banka P.S. Case No. 145 of 2024 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 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;

(iv) 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/-

U		T	
---	--	---	--

