

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83484 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- KATIHAR MUFFASIL District- Katihar

Rajpal, Son of Bhawani, Resident of Village- Milik Kharagpur Baze, P.S.
-Muradabad, District - Muradabad (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Katihar Muffasil P.S. Case No. 166 of 2024 registered for the alleged offences under Sections 363 and 365 of the Indian Penal Code and Section 137(2) of B.N.S.

3. As per prosecution case, wife of the informant went missing and subsequently it came to the notice that the petitioner confined her in his house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR was lodged against unknown and the wife of the informant had been missing for 15 days. On the basis of the mobile number of the wife of the informant, she was found to



be at Moradabad and police reached there and arrested the petitioner and recovered the wife of the informant from the house of the petitioner. Learned counsel further submits that except for suspicion, there is nothing against the petitioner. The wife of the informant left her house on her own and there is no witness to say that the victim lady was taken away by the petitioner. The statement of the victim lady was recorded under Section 180 of B.N.N.S., wherein she has stated that at the instance of the petitioner, she had gone to Moradabad and living with the petitioner and the police recovered her from the house of the petitioner. The victim lady is aged about 35 years and it is not believable that she was kidnapped or taken away from Katihar to Moradabad. It appears that she herself left her house after some altercation with husband and went to Moradabad and was living in the house of the petitioner as a tenant. Petitioner is in custody since 07.09.2024 and is having clean antecedent. Charge-sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the recovery of victim lady has been made from the house of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



doubtful nature of allegation against the petitioner and further considering the period of custody of the petitioner coupled with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar/concerned court in connection with Katihar Muffasil P.S. Case No. 166 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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