

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3075 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- BAARSOI (R.T) District- Katihar

1. Sona Roy S/o Late Suguwa Roy Manaikhar
2. Chotu Roy @ Chhotu Roy S/o Sona Roy Resident of Vill.- Manaikhar, P.S.- Barsoi, Dist.- Katihar.
3. Uttam Roy S/o Sona Roy Resident of Vill.- Manaikhar, P.S.- Barsoi, Dist.- Katihar.
4. Dharmendra Roy S/o Late Ravi Roy R/o Vill.- Siyalpara, P.S. Barsoi, Dist. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah, Advocate
For the Opposite Party/s : Mrs. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-04-2024 Heard Mr. Suresh Prasad Sah, learned Counsel for the petitioners and Mrs. Sucheta Yadav, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Barsoi P.S. Case No. 189 of 2023 for the offence registered under sections 363, 365 and 34 of the Indian Penal Code lodged on 12.06.2023 by the informant, Loren Roy.

3. As per the prosecution story, on 10.05.2023, the informant's son had gone to attend 'kirtan' programme where it is alleged that these accused persons took him away and thereafter he did not return. When they wanted to know about



his son, was abused. Accordingly, the F.I.R.

4. Learned Counsel for the petitioners submit that they are related to the victim *inasmuch* as he was brother-in-law, used to torture the sister for which complaint case no. 952 of 2023 was filed on 31.05.2023. It is his submission that though the occurrence is of 10.05.2023, only after a complaint was filed on 31.05.2023 that on 12.06.2023, this F.I.R. was lodged.

5. The so-called victim, actually being accused in the complaint case as husband of the complainant has disappeared and the blame has come on the in-laws.

6. Mrs. Sucheta Yadav, on the other hand, submits that the victim has still not returned and as such, when the villagers saw these persons abusing him when he had gone to attend the '*kirtan*', their role cannot be ignored.

7. A co-ordinate bench had called for the case diary and a perusal of it would show that till date, the police has no clue about the victim.

8. The fact remains that on 10.05.2023, the occurrence took place, the family members sat over it for one month and in between a complaint was filed by the wife of the victim against him and then the F.I.R.

9. Considering all these facts, this Court deems it fit



and proper that the petitioners are extended relief till the charge-sheet is submitted in the matter the investigation till date is not clear which way ultimately the case will ultimately proceed.

10. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Katihar in connection with Barsoi P.S. Case No. 189 of 2023 subject to condition 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 *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 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 the bail bonds.

(Rajiv Roy, J)

Neha/-

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

