

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56215 of 2025

Arising Out of PS. Case No.-164 Year-2024 Thana- KARJA District- Muzaffarpur

Somnath Kumar S/O Dharmvir Ray R/O village- Jiyan, PS- Karja, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hari Kishore Thakur, Advocate
For the State	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Pramod Kumar Prasad Singh, Advocate
	:	Mr. Mazharul Hassan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 15-11-2025 Heard Mr. Hari Kishore Thakur, learned counsel for the petitioner and Mr. Bharat Bhushan, learned APP representing the State as also Mr. Pramod Kumar Prasad Singh, learned counsel representing the informant duly assisted by Mr. Mazharul Hassan.

2. The petitioner is in custody in connection with Karja P.S. Case No. 164 of 2024 for the offence punishable under sections 140(3) of the Bharatiya Nyaya Sanhita, lodged on 12.07.2024 by the informant, Mandeshwar Mahto.

3. As per the prosecution story, the informant alleged that he lives in Delhi for his livelihood. On 02.07.2024, his wife Urmila Devi had gone to the house of neighbour, Rita Devi and never returned and later, the mobile was found switched off.



This led to the F.I.R.

4. Subsequently, the Police investigated the matter and found that Rita Devi was in conversation with the lady relating to the payment of Rs.1,40,000/- which was to be refunded. The present petitioner is son of Rita Devi. As the lady is traceless, they found themselves in the list of accused.

5. Learned counsel for the petitioner submits that there is nothing on record to implicate the present petitioner who is son of Rita Devi. Further submission is that the Police during investigation has found conversation between Rita Devi, this petitioner alongwith his brother Amarnath have no role to play and only because they are son of Rita Devi, got implicated. Further, case diary shows that despite Police approaching the informant's home, the photograph/Aadhar Card were not provided and in that case, the role of the informant/family members must have been investigated, in which the Police failed.

6. Learned counsel representing the informant on the other hand opposes the prayer submitting that the last conversation was made with Rita Devi and since then she is traceless and till date, she has not been recovered, in that background, the role of the petitioner cannot be overlooked.



7. Having heard the parties and taken note of the fact, the investigation showed conversation with Rita Devi, petitioner is their son, is in custody since 30.05.2025 having no criminal antecedent. Taking into account all these facts, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, First Class, Muzaffarpur (West), in connection with Karja P.S. Case No. 164 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.

9. Having recorded the aforesaid facts, this Court has taken note that the lady, Urmila Kumari is still traceless and the Police has completed its formality by putting some persons in the list of accused. They have to move further and look into all aspect, including interrogating the informant/family members in the background of the fact that Police recorded the case diary that despite repeated visit to the house, they were not parting with the Aadhar Card/photograph of the lady Urmila Kumari.

10. Let the copy of the order be sent to the Senior Superintendent of Police, Muzaffarpur for his/her perusal and needful.

(Rajiv Roy, J)

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