

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72084 of 2024

Arising out of PS. Case No.-900 Year-2019 Thana- BIHTA District- Patna

Sunil Kumar @ Sunil Paswan, Son of Late Shiv Jatan Paswan, Resident of Village Banwaripur (Dhubiya Kalapar), PS - Bihta, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binayak Kumar Shrivastav, Advocate

For the Opposite Party/s: Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 26-06-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Sections 364 and 363/34 of the Indian Penal Code. He has one criminal antecedent, i.e., Danapur Complaint Case No. 717(c) of 2007 registered under Sections 498A, 494, 323 of the Indian Penal Code and Sections 3/4 of DP Act.

3. The prosecution case is to the effect that the informant has alleged that his sister was married to the petitioner around twenty years back and all the accused persons including the petitioner used to torture her on some pretext or the other. It is further alleged that on 07.09.2019 the informant received a message from the village of the petitioner that his sister is traceless. It is further submitted that despite hectic search his sister



could not be traced and hence a case under Sections 363 and 364/34 was lodged.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely because he happens to be the husband of the sister of the informant. It is further submitted by learned counsel for the petitioner that the wife of the petitioner had herself gone out of the house and did not return and the informant has falsely made accused to entire family of the petitioner. It is also submitted that even during the course of the investigation no concrete material has been collected by the police to connect the petitioner. It is next submitted by learned counsel for the petitioner that two co-accused persons namely Rajeshwar Paswan and Anjani Kumar have been granted anticipatory bail *vide* order dated 22.02.2022 passed in Cr. Misc. No. 62886 of 2021, the order of the same has been brought on record by Annexure-1. Learned counsel for the petitioner has drawn attention towards Annexure-P/3 whereby the petitioner had lodged an informatory petition alleging that his wife had left the house on 07.09.2019 and since then she is traceless. It was also mentioned that a written report was also made before the Bihta Police Station on 09.09.2019, however, his wife could not be traced. In the said informatory peti-



tion it was also alleged that the informant and other family members of the wife of the petitioner had come to the house of the petitioner and had threatened false implication in criminal case. It is lastly submitted that the petitioner is in custody since 19.04.2024 and till date as far as the trial is concerned the same has not yet begun as the case is fixed for appearance of the accused persons.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner who happens to be the husband of the sister of the informant, who is still traceless as such petitioner should not be released on bail.

6. Considering the aforesaid submissions of learned counsel and taking into account the fact that the petitioner is in custody since 19.04.2024, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court, Danapur, Patna in connection with Bihta P.S. Case No. 900 of 2019, subject to the 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, if so required by the learned Trial Court.

(iii) In case of absence on any date or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner except above-mentioned one case and in case at any stage it is found that the petitioner has concealed his criminal antecedent except above-mentioned case, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Patna within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months.



The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

Vikash/-

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

