

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70600 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- Pothia District- Katihar

Sikander Mistri (Sharma) @ Sikandar Sharma @ Sikandar Mistri Son of Late
Hari Mistri Resident of Village- Tikapatti, PS- Tikapatti, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-02-2025 Heard Mr.Bimal Kumar, learned counsel for the

petitioner and Mr.Upendra Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Pothia P.S. Case No. 04 of 2024, FIR dated
13.03.2024, registered for the offences punishable under
Sections 363 and 371 read with Section 34 of the Indian Penal
Code.

3. According to the prosecution case, the wife of
informant was missing since 13.02.2024 and he learnt from
friend and relative that one Sukma Devi has sold his wife to
one Shailendra at the cost of Rs. 60,000/- (Rupees sixty
thousand only) and the informant suspects that Sukma Devi



and other co-accused persons are involved in human trafficking.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. It appears from the FIR that the petitioner is not named in the FIR, only mobile number of the petitioner is mentioned in the FIR and he has been made accused in the present case merely on the ground that he is husband of co-accused, namely, Sukma Devi and statement of the victim was recorded under Section 164 Cr.P.C/Section 183 of BNSS, 2023 in which she has not stated anything about the petitioner and nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, he is not named in the FIR, victim has not stated anything about the petitioner in her statement under Section 164 Cr.P.C/Section 183 of BNSS, 2023 and petitioner has been made accused in the present case merely on the ground that he is husband of co-accused, namely, Sukma



Devi, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Katihar in connection with Pothia P.S. Case No. 04 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, 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 or in the name of verification.

(Rajesh Kumar Verma, J)

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