

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85132 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- JOKIHAT District- Araria

Monowar S/O Mojeeb @ Md. Mojib Resident of Village- Satghara, Ward No. 06, P.S- Jokihat, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Jokihat P.S. Case No. 81 of 2024, registered on 06.03.2024 for the offences under Sections 364, 120B/34 of the Indian Penal Code.

03. As per prosecution case, the deaf and dumb son of the informant was taken away by the petitioner and other co-accused for doing work in Tiles Mill in Rajasthan and thereafter, the son of the informant became trace-less.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner and other co-accused also used to work in Rajasthan in a Tiles Mill. The prosecution story is not



believable as the son of the informant is major and aged about 18 years. Learned counsel further submits that the petitioner, son of the informant and others always go outside for work to earn their livelihood and the son of the informant went outside on a number of occasions and used to left the working place and subsequently, he was traced out from difference places. The petitioner has got no enmity with the informant or her son and even the co-villager has been made accused only on the basis of suspicion. From the FIR it is also apparent that the son of the informant had been working at his work place. Moreover, similarly situated co-accused person has been granted anticipatory bail by this Court vide order dated 31.08.2024 passed in Criminal Misc. No. 54742 of 2024. The petitioner is having clean antecedent.

05. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner and other co-accused who took away the deaf and dumb son of the informant and thereafter, he became trace-less and the petitioner did not furnish where about of the son of the informant.

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



vague and suspicious nature of allegation and further considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria/concerned court in connection with Jokihat P.S. Case No. 81 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other 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.

(Arun Kumar Jha, J)

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