

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49105 of 2025

Arising Out of PS. Case No.-803 Year-2024 Thana- BASANTPUR District- Siwan

1. Sudarshan Ojha S/O Late Dineshwar Ojha R/O Village-Basauli, P.S.- Lakri Naviganj, District -Siwan
2. Pramod Ojha@Pramod Kumar Ojha S/O Sudarshan Ojha R/O Village-Basauli, P.S.- Lakri Naviganj, District -Siwan
3. Minta Devi W/O Pappu Pandey @ Pappu Kumar Pandey R/O Village-Khorampur, PS-Mahmadpur, Distt-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 21-01-2026 Heard the learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Basantpur (Lakri Naviganj) P.S. Case No. 803 of 2024, registered for the offences punishable under Sections 137(2), 140(3) and 3(5) of the BNS.

3. The marriage of the daughter of the informant was solemnized with the petitioner no. 2 twelve years ago. Since the daughter of the informant was the only legal heirs, hence the informant had executed the sale deed of his entire land in her favour in the year 2016. Despite the aforesaid facts, the accused



persons got the land sold through her daughter and further pressurized the victim and informant for transfer of some more land. It is suspected that the accused persons have killed the informant's daughter and disappeared her body.

4. Learned Advocate for the petitioners submitted that admittedly the marriage of the informant's daughter with the petitioner no. 2 was solemnized twelve year ago and the couple also blessed with a son; now aged about nine years and a daughter aged about four years. None of the children have made any allegation with regard to any demand of dowry and torture. The entire prosecution case is based upon suspicion on account of disappearance of the informant's daughter. During the course of investigation, the materials have collected which clearly demonstrate that the informant's daughter was suffering from some mental illness and her treatment was going and in fact, she was in the habit of leaving her house on intermittent interval. After the occurrence of disappearance of the informant's daughter, all the efforts have been taken to recover her. For the said purpose, the photographs of the victim has also been pasted on all the conspicuous place, besides announcements have been made on different places, but the accused persons could not succeeded to get her whereabouts. A



report has also been called from the Superintendent of Police, Siwan; he has also categorically supported the aforementioned facts and submitted that on the alleged date of occurrence, she left her house without disclosing anyone and till date, her whereabouts could not be traced. The medical prescriptions to support the aforesaid contention has also been placed on record as Annexure-P/2 series.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the petitioner no. 2, being husband of the deceased, is responsible for her safety and if the whereabouts of the victim could not be traced out, he does not deserve the privilege of anticipatory bail.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that the entire case is based upon suspicion, beside the fact that the marriage was solemnized twelve years ago and there had never been any complaint and during the course of investigation, the materials have collected which suggest that the victim was under the treatment and on the alleged date of occurrence, she left her house without disclosing her whereabouts, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court



below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds 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.- I, Siwan in connection with Basantpur (Lakri Naviganj) P.S. Case No. 803 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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