

**IN THE COURT OF ADDL. SESSIONS JUDGE-IV, DANAPUR**

**Regular Bail Petition No. 215 of 2026 (Maner P.S. Case No. 743/2025)**

In the matter of:-

Shankar Sah, aged about 70 years, s/o- Sukhdeo Sah, resident of- Sona Khuda Road,  
Near S.K. Sound, Ismail Chawk, Islampur, Distt. Uttar Dinajpur (West Bengal) 783202.  
..... Petitioner

Vs.

The State of Bihar .....O.P.

Lawyer for the accused; Sri Suidhir Kumar Vidyarthi (Adv.)

Lawyer for the State; Sri Kalam Ansari (Addl. P.P.),

**Present: - Naghma Tarannum Addl. Sessions Judge-04, Danapur**

**ORDER**

04.04.2026	<ol style="list-style-type: none"><li>1. The present bail application has been filed on behalf of the petitioner Shankar Shah, who is stated to be in judicial custody since 22.01.2026 in connection with Maner P.S. Case No. 743 of 2025, registered for the offence punishable under Section 140(3) of the Bharatiya Nyaya Sanhita, 2023.</li><li>2. The prosecution story, as borne out from the written complaint dated 06.10.2025 submitted by the informant Mithilesh Kumar before the Maner Police Station, inter alia alleges that his wife Sangeeta Kumari was found missing from his residence since 16.06.2025; and on 02.10.2025, the informant received a call from mobile number 7478232540, disclosing the location of the wife at Islampur, West Bengal, whereafter the police proceeded and the victim was recovered.</li><li>3. Learned counsel for the petitioner submits that:<ol style="list-style-type: none"><li>(a) the petitioner is innocent, has committed no offence and has been falsely implicated;</li><li>(b) the petitioner is not named in the FIR;</li><li>(c) the petitioner is an old man aged about 70 years and was a landlord;</li><li>(d) the recovery was effected on account of the petitioner having informed the informant/police upon noticing the alleged victim being kept by his tenant;</li><li>(e) the petitioner has clean antecedents;</li><li>(f) the investigation has substantially concluded; and</li></ol></li></ol>	Contd.
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<p>Contd. 04.04.2026</p>	<p>(g) the petitioner undertakes to abide by all directions of the Court, hence prayer for bail be allowed.</p> <p>4. Learned Additional Public Prosecutor has opposed the bail prayer, contending that the allegations disclose a serious and heinous nature of offence, and considering the gravity, the petitioner does not deserve any leniency.</p> <p>5. At this stage, while considering an application for bail, the Court is required to examine whether there is a reasonable ground to believe that the accused is not guilty of the offence charged and whether the accused can be released without undermining the ends of justice. Bail is not to be granted only on the basis of presumption of innocence. The Court has to consider the nature and gravity of the accusation, prima facie satisfaction regarding the involvement of the accused, the possibility of tampering with evidence / influencing witnesses, likelihood of the accused absconding, stage of the investigation/trial; and whether continued detention is warranted in the interest of justice.</p> <p>6. In the present case, the allegations are not of a trivial nature. The prosecution case (as reflected from the complaint and the circumstances leading to recovery) indicates involvement in conduct connected with the alleged victim being kept / located at a particular place, culminating in recovery by the police. The offence invoked is under Section 140(3) BNS, 2023, which is grave in character.</p> <p>7. Although the petitioner's name is not shown in the FIR, the absence of his name in the FIR is not conclusive. The Court cannot shut its eyes to whether</p>	<p>Contd.</p>
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<p>Contd. 04.04.2026</p>	<p>the overall materials collected during investigation prima facie connect the petitioner with the alleged act. The fact that the victim was allegedly found/kept at a place connected with the petitioner's premises (the petitioner being described as landlord) prima facie raises a serious question as to whether the petitioner had knowledge, control, or facilitating involvement, which are matters requiring a full trial to conclude.</p> <p>8. Learned counsel for the petitioner submits that the petitioner informed the informant/police and therefore should be treated as having acted innocently. However, at bail stage, this defence cannot be weighed finally. It is only to be tested whether the petitioner's plea negates the prima facie accusation. Considering that the allegations pertain to a serious occurrence and the victim's presence/location was ultimately connected to premises linked with the petitioner, the Court is not satisfied that the petitioner has made out a case for release at this stage.</p> <p>9. The Court further notes that the petitioner has been in custody since 22.01.2026. While the length of incarceration is relevant, the present duration is not such that it can be treated as unjustified or oppressive in the peculiar facts, nor can it substitute for adjudication on merits.</p> <p>10. The submission regarding age (~70 years) has been considered. However, age alone is not an absolute ground to grant bail when the accusation is grave and the Court is not satisfied about the absence of prima facie involvement. The Court must balance individual liberty with the collective interest in ensuring that serious criminal allegations are appropriately tried.</p>	<p>Contd.</p>
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<p>Contd. 04.04.2026</p>	<p>11. In view of the serious nature of the accusation, the prima facie materials indicating the petitioner's possible role connected with the premises where the alleged victim was located/kept, and the insufficiency of grounds to hold that the petitioner is fully disentitled on the charge at this stage, this Court is of the considered opinion that the petitioner does not deserve enlargement on bail.</p> <p>12. Hence, the prayer for bail is rejected.</p> <p>13. The petitioner shall remain in judicial custody. However, it will be open to the petitioner to move a fresh application for bail after filing of charge-sheet and/or upon material change in circumstances, if any, in accordance with law.</p> <p>14. Let a copy of this order be transmitted to the court concerned forthwith.</p> <p style="text-align: right;"><b>(Naghma Tarannum)</b> Addl. Sessions Judge-IV, Danapur</p>	
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