

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56779 of 2015

Arising Out of PS. Case No. -30 Year- 2009 Thana -BIKRAMGANJ District- SASARAM
(ROHTAS)

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Ramjee Singh, son of Late Ganesh Singh, resident of Village/Mohalla-
Rupipur, P.S. Nokha, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar
2. Haribansh Singh, son of Late Ram Janam Singh, Resident of Village-
Mani P.S.- Bikramganj, District- Rohtas.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Khurshid Alam, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmood (App)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL ORDER

3 08-03-2017 Heard learned counsel for the petitioner, State and
informant.

The petitioner apprehends his arrest in a case under
Sections 498A, 302, 201/34 of the Indian Penal Code.

The petitioner is the husband of Sunaina Devi. The
informant, who is the father of Sunaina Devi, alleged that the
petitioner married one Manju Devi during the life time of Sunaina
Devi and thereafter he pushed his daughter from his house. After a
lot of persuasion, the petitioner again started keeping his daughter,
since 24.02.2009. The informant alleges that after some time
Ramjee Singh (petitioner) approached him stating that his
daughter Sunaina Devi is missing.



The defence of the petitioner is that Sunaina Devi left the house on her own will and not on account of ill behaviour on his part. Furthermore, the informant did not lodge a case soon after receipt of information regarding missing of his daughter. He submits that earlier he had filed an anticipatory bail application, bearing Cr. Misc. No. 48103 of 2014, which was withdrawn. The petitioner is now renewing the prayer for anticipatory bail on the basis of new developments, which has come to his notice. He submits that in fact Sunaina Devi is not dead. She is alive and is living in her Maik. In support of his submission, learned counsel submits that this was the reason the police, subsequently, submitted charge sheet deleting Section 302 of the Indian Penal Code.

Counsel for the informant opposes the prayer and submits that the case is of the year 2009 and the petitioner had earlier withdrawn his anticipatory bail application on 10.04.2015. He submits that he has no instructions whether Sunaina Devi is alive or not.

The petitioner, in the changed circumstances, again prays to withdraw this anticipatory bail application to file regular bail in the court below.

Having regard to the facts and circumstances of the



case, I am not inclined to grant anticipatory bail to the petitioner. The prayer for grant of anticipatory bail is rejected. However, taking into account the submission made by the petitioner that the charge-sheet has been submitted deleting Section 302 of the Indian Penal Code, as according to the petitioner the victim Sunaina Devi is alive, the petitioner should surrender before the court below within six weeks from today and file regular bail, which would be heard and disposed of on the same day on its own merit without being prejudiced by this order.

(Samarendra Pratap Singh, J.)

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