

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30276 of 2017

Arising Out of PS.Case No. -265 Year- 2013 Thana -KHAGARIA District- KHAGARIA

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Rajeev Jha son of Sri Kant Jha resident of village - Nauranga Diyara, P.S.
Baliya, District - Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner seeks bail in connection with Khagaria
(Gangaur) P.S. Case No. 265 of 2013 registered for the offence
punishable under Sections 364 and 498A of the Indian Penal Code
and Sections 3/ 4 of the Dowry Prohibition Act.

The prosecution case, as lodged by the father of Bebi
Devi, wife of the petitioner's brother, is that his daughter was
married to Sanjeev Jha on 22.02.2003 and soon thereafter husband
and his family members caused physical and mental torture due to
non-fulfilment of demand of dowry. It has further been alleged
that on 22.10.2012, his daughter had gone to take bath in the river



Gandak, but did not return. He suspects the involvement of the petitioner, her husband and other family members in the kidnapping of his daughter. It has further been alleged that she has been sold at Delhi for flesh trade.

It has been submitted by the learned counsel for the petitioner that the First Information Report has been lodged after inordinate delay from the date of alleged kidnapping and no plausible explanation has been given. It has further been submitted that more than a year prior to the lodging of the First Information Report, the petitioner had filed a case before the Chief Judicial Magistrate, Begusarai alleging that the informant had taken her away in spite of husband of the said Bebi Devi being sick and thereafter she did not return and there is no trace. He submits that the victim lady in her statement under Section 164 of the Cr.P.C. has stated that she had lived with one Shekhar Yadav and a child was born, but thereafter said Shekhar Yadav died. The informant's daughter, Bebi Devi deposed that she was sold by the petitioner, her husband and family members in the year 2012, but no case was lodged for the said occurrence before the police, which falsifies the prosecution case. It is further submitted that in the case filed by the petitioner, cognizance has been taken against the



informant and his other family members.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Gangaur) P.S. Case No. 265 of 2013.

(Nilu Agrawal, J.)

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