

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.16116 of 2017**

Arising Out of PS.Case No. -214 Year- 2015 Thana -RAMNAGAR District-  
WESTCHAMPARAN(BETTIAH)

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1. Rajesh Sah, son of late Dharichhan Sah, resident of Village- Sonkhar,  
P.S.-Ramnagar, District- West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Syed Mojibur Rahman, Advocate

For the Opposite Party/s : Mr. Md. Sufiyan, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3/ 02-08-2017

Heard learned counsel for the Petitioner and the  
State.

The Petitioner apprehends his arrest in Ram Nagar  
P.S. Case No.214 of 2015 instituted for the offence under  
Section(s) 364/34 Indian Penal Code pending in the Court of the  
Sub-Divisional Judicial Magistrate, Bagaha, West Champaran.

Petitioner is husband of sister of the informant. It is  
alleged in the written report that sister of the informant was  
married with this petitioner on 21.04.2014. She was tortured in  
her *Sasural* by this petitioner and other family members for  
demand of dowry. The matter was also mediated between the  
parties in the police station and the petitioner gave undertaking  
before the Officer-in-Charge that he will not commit torture with  
her, but torture continued and on 26.09.2015 the petitioner



informed the informant that his sister is not present in the house and she has fled somewhere. The informant could not get trace of his sister and suspects that she has been killed and her dead body has been concealed.

Learned counsel for the Petitioner submits that this is second marriage of sister of the informant with this petitioner. Counsel for the petitioner has pointed out Annexure-3, which is said to have been written by the sister of the informant on 10.09.2015, that she is dissolving the relationship with the petitioner.

From perusal of aforesaid document, it appears that the said document is unilateral document, which is dated 10.09.2015 and bears only the signature of sister of the informant, and just after fifteen days i.e. on 26.09.2015, the petitioner informed the informant that his sister is traceless.

This Court is of the view that Annexure-3 is nothing but merely a document created as defence by the petitioner.

There is specific allegation against the petitioner.

Case diary has been received.

Learned APP has submitted that the victim is still traceless. Mother of the informant in para 123 has supported the torture committed by this petitioner.



In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is rejected.

The petitioner may surrender in the Court below and seek regular bail, which shall be considered and disposed off on its own merit without being prejudiced by this order.

**(Sanjay Priya, J)**

**JA/-**

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