

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25567 of 2018

Arising Out of PS.Case No. -126 Year- 2017 Thana -BHAPATIYAH District- SUPAUL

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1. Dilip Kumar S/o Raghuvansh Pd. Yadav, R/o Vill.- Sadanandpur, P.S.-
Bhaptiyahi, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nirbhay Kumar Singh
For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary
Advocate for Informant : Mr. Murari Narain Choudhary
Mr. Vijay Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-05-2018 Heard the parties.

The petitioner seeks regular bail in connection with
Bhaptiyahi P.S. Case No.126 of 2017 for the offences punishable
under Section(s) 304(B)/201, 120B/34 of the Indian Penal Code.

The prosecution case as per the written report of Rajendra
Prasad Yadav, dated 11.12.2017, submitted to the Station House
Officer, Bhapatiyahi Police Station is to the effect that the
informant got his daughter, Kiran Kumari married with Dilip
Kumar Yadav in the year 2004 and subsequently she was blessed
with two children. The daughter of the informant was being
tortured for non-fulfillment of further demand of dowry of Scorpio
vehicle. The daughter of the informant used to inform that her in-
laws will kill her if the Scorpio vehicle is not provided to them.



The informant tried to pacify the issue with petitioner but he did not agree to resolve the issue until further dowry demand is fulfilled. On 06.12.2017 at 10 AM, the relatives of the petitioner, Manoj Kumar Yadav and Ranjeet Kumar Yadav came to the house of the informant and informed him that his daughter has gone missing since 5 AM in the morning. Thereafter, the informant went to in-laws house of his daughter where he was informed that she had gone missing, hence, the informant suspected that his daughter has been killed.

The learned counsel for the petitioner submits that the petitioner is innocent and victim lady was in the habit of running away from the house, as such her disappearance is not a new thing. It is further submitted that no material has come on record during the course of investigation by the police to suggest complicity of the petitioner herein. The learned counsel for the petitioner has also referred to paragraph No.62 of the case diary, which is the supervision note, wherein the SDPO has found, upon investigation and going through the materials on record as also from perusal of the evidence of the witnesses, that till date no proof whatsoever has been collected so as to implicate the petitioner in the present case. It is further submitted that the petitioner has a clean antecedent and is languishing in custody since 15.02.2018.



Learned APP does not dispute the aforesaid position, i.e., the facts stated in the report of the SDPO, however, learned counsel for the informant has vehemently opposed the prayer for bail.

Almost similarly situated, parents of the petitioner, have already been granted bail by this Court vide order dated 09.05.2018 passed in Cr. Misc. No.27410 of 2018.

Having regard to the fact that the marriage of the victim girl was performed 13 years prior to the occurrence as also the fact that till date, it has not been ascertained as to whether the victim lady has died or not, coupled with the fact that the investigating agency has not found any material to connect the petitioner with the disappearance of the victim lady, it would be appropriate to grant regular bail to the petitioner.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, in connection with Bhaptiyahi P.S. Case No.126 of 2017

(Mohit Kumar Shah, J)

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