

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62765 of 2018

Arising Out of PS. Case No.-35 Year-2018 Thana- ARER District- Madhubani

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Pankaj Roy S/o Jage Roy@ Jageshwar Roy R/o Village- Arer Purbari Tola,
P.S. Arer, District- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Sri Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

9 09-07-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Arer P.S.Case No. 35 of 2018 registered under Sections 201/34 and 304B of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

Allegation against the petitioner is that daughter of the informant had solemnised love marriage with the petitioner on 09.07.2017 but later on, he and his family members started demanding Rs. 2 lacs as dowry and 20 grams gold also. It has further been alleged that petitioner, in the month of January, had gone along with daughter of the informant and returned in February and after that there is no trace of informant's daughter. Informant raised suspicion that her daughter has been killed by the petitioner and his family members and dead body has been



thrown in order to remove/conceal the evidence.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated. He further submits that petitioner along with the victim girl was residing at Bombay from where the victim girl used to flee away for which petitioner had given information to Bombay Police about missing, which has been annexed as Anenxure-2. However, he submits that after that victim girl had returned back but subsequently she again fled away from the house of the petitioner for which the petitioner had informed the Bombay Police Chawki Malad, East Bombay on 06.03.2018 and since then she did not return back.

On the other hand, learned counsel for the State submits that from perusal of case diary, it appears that petitioner was involved in disappearing of victim girl and there is no material to show in the case diary and investigation done by the police that Bombay Police has given any information in this regard to Bihar Police regarding whereabouts of victim girl. He further submits that petitioner has not discharged his obligation to disclose about whereabouts of his wife to the Investigating Officer and is absconding inasmuch as process under Section 82 Cr.P.C. has already been issued in this regard. He also submits



that anticipatory bail application is not maintainable in view of law laid down by the Hon'ble Supreme Court in the case of Lavesh vs. State (NCT of Delhi); (2012) 8 SCC 730 and State of Madhya Pradesh vs. Pradeep Sharma;(2014) 2 SCC 171.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner is absconding and not surrendering to the jurisdiction of the court in order to get the matter investigated properly by the police, as such I am not inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail to the petitioner is hereby rejected.

(Anil Kumar Sinha, J)

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