

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24143 of 2020**

Arising Out of PS. Case No.-156 Year-2019 Thana- GAYA KOTWALI District- Gaya

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Aftab Alam @ Md. Aftab Alam @ Rinku Aged about 37 years , (Male), S/o  
Late Mehboob @ Late Mahboob Alam @ Late Altaf Hussain, Resident of  
Zama Maszid, Faruki Mohalla, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mahendra Prasad Bhartee

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      24-11-2020                      Heard Mr. Mahendra Prasad Bhartee, learned counsel  
  
for the petitioner and Mr. Choubey Jawahar, learned counsel  
  
appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with  
Kotwali P.S. Case No. 156 of 2019 registered for the offence  
under Section 498 (A), 364 , 34 of the I.P.C. and Section 3/4 of  
the Dowry Prohibition Act.

The allegation as per the First Information Report is  
that the sister of the informant was married with the petitioner  
and after marriage informant's sister started living with her  
husband. It has further been alleged that after some time the  
petitioner along with other accused persons started demanding  
dowry of Rs. 50,000/- and due to non fulfillment of the demand



the petitioner and others tortured the sister of the informant mentally as well as physically. The informant has alleged that when the informant arrived at the matrimonial house of her sister on 30.03.2019 but her sister was not found and she has raised suspicion that the sister of the informant has been killed by the petitioner and other accused persons and her dead body has been disposed.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged . Learned counsel further submits that marriage was solemnized with the victim in the year 2017 after the death of the first wife of the petitioner. Learned counsel further submits that from the 1<sup>st</sup> wife the petitioner has four children and there is no question of demand of dowry by the petitioner. Learned counsel further submits that petitioner on 31.03.2019 informed the Kotwali Police Station that his wife has suddenly disappeared since 29.03.2019 from his house and there is no trace of her up till now. Learned counsel referring to Annexure 2 to this bail petition submits that news in this regard was published in the Daily Newspaper “Dainik Jagran” dated 05.04.2019. Learned counsel also submits that during the course of investigation no material has come against the petitioner that the petitioner has



killed his wife.

On the other hand, learned counsel for the State referring to the case diary submits that the wife of the petitioner is still traceless. However, there is no material to show that the victim lady has been killed by the petitioner.

Having heard learned counsel for the parties and taking into consideration the materials available on record and the fact that petitioner is in custody since 27.05.2019, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 156 of 2019.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

**(Anil Kumar Sinha, J)**

praful/-

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