

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28841 of 2020

Arising Out of PS. Case No.-230 Year-2019 Thana- SINGHESHWAR District- Madhepura

BIKASH SAH S/o Late Nathuni Sah Resident of Village- Gauripur, P.S.-
Singheshwar, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Singh

For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-12-2020 The learned counsel for the parties were heard at length on 15.12.2020 and the instant case has been listed today (17.12.2020) under the heading “For Orders”.

The petitioner seeks regular bail in connection with Singheshwar P.S. Case No. 230 of 2019 for the offence punishable under Sections 366(A), 363, 498(A), 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The allegation against the petitioner, according to the informant, who is the mother of the victim girl, is that her daughter was married with the petitioner on 30.06.2019 as per Hindu rites and rituals, whereafter her daughter had stayed at her in-laws place for a month, however, subsequently the accused persons including the petitioner herein used to torture and misbehave with her as also used to assault her on account



of non-fulfilment of demand for dowry of Rs. 5 lacs and a motorcycle. Subsequently on 05.09.2019, the accused persons had made the victim lady disappear and upon being asked about her whereabouts, no satisfactory answer was given by the accused persons including the petitioner herein.

The learned Senior counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 19.03.2020. The learned Senior counsel has further submitted that during the course of investigation it has transpired that the daughter of the informant used to talk with one another boy namely Rakesh Kumar and it appears that the said Rakesh Kumar had kidnapped the daughter of the informant with the intention to marry her, hence it cannot be alleged that the petitioner is having any complicity in the matter.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for regular bail, made by the petitioner.

Having considered the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case



diary, this Court finds that the daughter of the informant is still traceless and that too from her matrimonial house, hence it cannot be ruled out that prima facie the complicity of the petitioner is existing in the alleged occurrence, more so since he is the husband of the traceless victim lady, apart from the fact that the police upon investigation has also submitted a charge sheet against the petitioner finding the case to be true, hence, I do not find the present case to be a fit case for grant of bail, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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