IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36757 of 2019

Arising Out of PS. Case No.-96 Year-2019 Thana- GAYA KOTWALI District- Gaya

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Amit Kumar Son of Nirmal Kumar Resident of Village - Panchayati Akhada, P.S.- Kotwali, Dist.- Gaya.

... ... Petitioner/s

Versus

The State Of Bihar ... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Manish Kumar No2, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

10 13-02-2020 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has filed the instant application for anticipatory bail apprehending his arrest in a case registered for the offence under sections 363, 365, 498A and 34 of the Indian Penal Code.

As per the allegation in the FIR, the daughter of the informant was married to the petitioner. It is further stated that the petitioner and the members of his family were physically and mentally torturing the daughter of the informant for demand of dowry. It is further stated that on 2.2.2019 the informant's son-in-law informed him on mobile phone that he had made his daughter sit in train on way to Varanasi. However, on making attempt to contact her, her mobile phone was found to be switched off and she did not reach Varanasi. It is further stated

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that on the informant coming to Gaya, his son-in-law and members of his family asked him not to go home and were bent on abusing and beating them up. Inspite of search, his daughter was not to be found.

It is submitted by learned counsel for the petitioner that it was not on 2.2.2019 but it was on 3.2.2019 that the petitioner who is the husband of the daughter of the informant had got her to sit in train at Gaya on her way to Varanasi. However, on his wife not reaching Varanasi, after making attempts to find her he ultimately filed a complaint case on 19.2.2019 which was ultimately referred to the police station and Gaya Rail P.S. Case no. 55 of 2019 was registered under section 364 of the Indian Penal Code against unknown. It is further submitted that the case diary had been called for which has come and that no progress has been made in the investigation. It is finally submitted that there has been no complaint against the petitioner on earlier occasion of mal-treatment either by his wife i.e the daughter of the informant who went missing or the family members of the informant.

The application for bail has been opposed by learned APP for the State submitting that no progress has been made in course of investigation and the daughter of the informant is still

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traceless.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that the petitioner himself lodged a complaint which was on reference to the police station was ultimately registered as an FIR together with no incriminating material having transpired against this petitioner, the Court is inclined to enlarge the petitioner on bail. The petitioner, above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Kotwali P.S. Case no. 96 of 2019 is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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