

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63783 of 2019

Arising Out of PS. Case No.-313 Year-2014 Thana- DINARA District- Rohtas

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SANJAY KUMAR SINGH @ SANJAY SINGH @ SANJAY KUMAR S/o
Sri Ramlal Singh Resident of Village and P.O.- Bailwaiya, P.S.- Dinara
(Bhanas O.P.), District- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-03-2020

Heard both sides.

The petitioner seeks bail in Dinara (Bhanas) P.S. case No. 313/2014 registered under Section 302, 201, 120B of the Indian Penal Code.

Raj Kumar Singh, father-in-law of the petitioner, disclosed in his fard bayan that he got his daughter, Dharmshila Devi, married with the petitioner in the year 2005 but her husband and other in-laws were torturing his daughter due to non-fulfillment of Rs. 50,000/- and a motor cycle as dowry. The informant got information from his daughter to fulfill the demand of dowry failing which her husband and other in-laws would torture her but when the informant went to the house of his daughter she was found missing.

The learned counsel for the petitioner submits that marriage was solemnized in the year 2005 and after nine years of the marriage the wife of the petitioner became traceless. The petitioner made all search but he could not be able to trace out his wife. The petitioner never demanded any dowry nor ever tortured his wife. Had the petitioner tortured his wife case would have been lodged either by his wife or father-in-law before institution of the present case for killing



the deceased. There is no evidence on record during the course of investigation that petitioner killed his wife. The witnesses have stated that on account of some quarrel wife of the petitioner fled away and she is traceless. The police after investigation submitted charge sheet u/s 364, 498A of the IPC. The petitioner is in custody since 04.04.2019 and the petitioner deserves bail.

Mr. B. N. Pandey, the learned APP, submits that occurrence took place in the year 2014 and it does not appear to be reasonable and plausible that petitioner could not be able to trace out his wife. The petitioner must have killed his wife and disposed of her dead body. It is further submitted that petitioner was arrested on 04.04.2019 that is about five years of the occurrence.

It appears from perusal of the record that marriage was solemnized in the year 2005. After 2005 neither the wife nor the informant ever complained about ill treatment due to non fulfillment of demand of dowry. The witnesses have stated that wife fled away on account of some quarrel. The petitioner has remained in jail for about 11 months.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub divisional Judicial Magistrate, Bikramganj, Rohtas in connection with Dinara (Bhanas) P.S. case No. 313/2014.

(Prabhat Kumar Jha, J)

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