

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.86619 of 2019**

Arising Out of PS. Case No.-198 Year-2018 Thana- GOPALPUR District- Patna

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Rajesh Kumar, Son of Lalbabu Ray, Resident of Village - Manpur Bairiya,
P.S.- Gopalpur, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 10-12-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ajit Kumar, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Gopalpur P.S. Case No. 198 of 2018 registered for the offences punishable under Sections 304(B), 201,34 of the Indian Penal Code.

As per the allegations in the First Information Report, the petitioner was married with the deceased and it is alleged that the deceased was being tortured by her in-laws for not fulfilling the demand of dowry and the daughter of the



informant was thereafter killed and her dead body was disposed of.

In the earlier hearing of this case when the attention of this Court was drawn towards the statements made in paragraph '11' of the petition saying that actually the victim girl (deceased) is not dead but is living with one Bhim Kumar and other facts, this Court called for a report from the Senior Superintendent of Police, Patna.

Now the report is available at Flag 'Z'. In his letter no. 1389 dated 13th August, 2020 followed by letter no. 1749 dated 27.11.2020 this Court has been informed that after thorough enquiry on all points by the concerned Police Officer the statement of the petitioner as alleged has not been found to be correct. It is stated that neither the family members of the petitioner handed over Bhim Kumar to the police nor they know Bhim Kumar, rather they know one Ranjan Kumar, son of Dean Rai, resident of village-Surmapar, P.S. Fatuha, district-Patna but the victim is not living with said Ranjan Kumar and this information has not been found authentic.

Mr. Ajit Kumar, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case,



the fact that petitioner is the husband of the deceased and the allegation is that the daughter of the informant was killed and her dead body was missing, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Prayer of anticipatory bail of the petitioner is, thus, refused.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

