

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.986 of 2021**

Arising Out of PS. Case No.-113 Year-2018 Thana- BRAHMPUR District- Buxar

Sunil Kumar, son of Dinanath Sah, R/o Village- Javahi, Jagdishpur, P.S.-  
Brahmpur, District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                            |                                   |
|----------------------------|-----------------------------------|
| For the Petitioner/s :     | Mr. Ramakant Sharma, Sr. Advocate |
|                            | Mr. Rang Nath Choubey, Advocate   |
| For the Opposite Party/s : | Mr. Akhileshwar Dayal, APP        |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      15-12-2021                      Heard Mr. Ramakant Sharma, learned senior counsel assisted by Mr. Rang Nath Choubey, learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Brahmpur P.S. Case No. 113 of 2018 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

Learned senior counsel for the petitioner submits that as per allegations, the marriage between the petitioner and the deceased was solemnized on 26.04.2016. The informant alleges that he had given a lot of gifts in form of cash, motorcycle etc. but after marriage his daughter was being tortured for non-



fulfilling the demand of a Bolero vehicle. It is alleged that the petitioner and others killed the daughter of the informant and concealed her dead body.

Learned senior counsel submits that this petitioner happens to be the husband of the deceased. He is in service of the Central Reserve Police Force and is posted in the State of Jharkhand. It is submitted that he was not residing in his village at the time of occurrence.

Learned counsel further submits that the father of the petitioner had lodged a Sanha on 19.03.2018 in Brahmpur Police Station vide Sanha No. 605/2018 as regards the fleeing away of the daughter of the informant from the house of the petitioner. Informant thereafter lodged the F.I.R. on 27.03.2018.

On the other hand, Mr. Akhileshwar Dayal, learned A.P.P. for the State has after going through the case diary opposed the prayer for anticipatory bail of the petitioner. Apart from the said fact he has submitted that this petitioner has been declared absconder and charge-sheet has been filed showing him absconder. He has further brought to the notice of this court that the petitioner had applied for anticipatory bail in the learned court below vide ABP No. 518/2018 which was rejected on 06.06.2018, but thereafter, for 2½ years the petitioner did not



surrender. The present application has been filed after 2½ years and that shows the conduct of the petitioner.

Having regard to the materials on the record showing that the daughter of the informant has been allegedly killed within two years of her marriage and the petitioner is absconding in this case despite submission of charge-sheet against him and rejection of his prayer for anticipatory bail 2 ½ years ago, this court is not inclined to grant privilege of anticipatory bail to the petitioner.

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

In case, the petitioner surrenders and prays for regular bail in the learned court below within four weeks from today, his prayer for regular bail shall be considered on it's own merit without being prejudiced by the order of this court.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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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'.

