

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8770 of 2021**

Arising Out of PS. Case No.-289 Year-2020 Thana- SAHPUR District- Bhojpur

Rahul Bhagat Son of Priti Bhagat Resident of Village - Rudar Nagar, Police Station - Shahpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.

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

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

4 06-08-2021 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 learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Shahpur P.S. Case No.289 of 2020 registered for the offences punishable under Sections 341, 323, 498(A), 304(b), 201 and 504/34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

Learned counsel for the petitioner submits that as per the prosecution story the allegation is that the petitioner and his family members killed the informant's daughter for non-

fulfillment of the demand of dowry.

Learned counsel for the petitioner submits that the petitioner is the husband of the victim lady. According to him, in course of investigation it has come that the victim lady was in habit of leaving the house and this was brought to the notice of the father of the victim lady on earlier occasion. It is submitted that in the present case the information about missing of the daughter of the informant was given to him on 28.08.2020 but the FIR was lodged on 04.09.2020. It is further submitted that the FIR has been seen by learned A.C.J.M. on 10.09.2020, therefore, it is submitted that this case has been lodged with an afterthought.

On the other hand, learned APP for the State submits that the marriage between the petitioner and the victim lady had been solemnized about two years ago only and it is not in dispute that the victim lady went missing from her matrimonial home and thereafter she has not been seen. Learned APP submits that the submission of the petitioner that she left the house on her own is difficult to believe prima-facie because during the night hours it is not possible for a newly married bride to flee away from the village area.

It is further submitted that the delay in lodging of the

F.I.R. may have taken place because the father of the victim lady was looking for her daughter and it is only when she was not found anywhere the informant lodged the F.I.R.

Considering the facts and circumstances of the case wherein this Court has noticed that the victim lady had been residing with her husband and she is said to have been missing from the matrimonial home and no plausible material has come in the investigation to suggest that she has fled away with someone, this Court is not inclined to release the petitioner on bail at this stage. The prayer for bail is, thus, refused.

Let the trial be expedited.

The trial court shall proceed with the trial as early as possible and conclude the same preferably within a period of one year from the date of start of normal functioning of the Court. If the trial remains unconcluded during this period for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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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'.