

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79141 of 2019

Arising Out of PS. Case No.-134 Year-2018 Thana- PARASBIGHA District- Jehanabad

Shailesh Kumar @ Salesh Kumar (Male), aged about 38 years, S/o Umesh Prasad, R/o village- Ranju Bigha, P.S.- Parsa Bigha, District- Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Upendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 29-01-2021

Heard Mr. Shashi Bhushan Kumar, learned counsel for the petitioner; Mr. Ashok Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Upendra Kumar Singh, learned counsel for the informant.

2. The petitioner apprehends arrest in connection with Paras Bigha PS Case No. 134 of 2018 dated 03.08.2018, instituted under Sections 304B/201/34 of the Indian Penal Code.

3. The allegation against the petitioner is of killing his wife.

4. Learned counsel for the petitioner submitted that the father of the deceased has filed the FIR and has made a general statement that his daughter has gone missing with the



apprehension that she was killed and, thus, it cannot be said that she has been killed and Section 304B of the Indian Penal Code has been wrongly invoked. Learned counsel submitted that the petitioner is working in the Army and was posted in Jammu and Kashmir at the relevant time. It was further submitted that independent witnesses have stated that the girl had gone to her maternal house along with her son and the son has also given statement before the police that his mother had left him with her aunt and had gone to meet her father i.e., the informant and after that when she did not return the aunt of the girl had taken the boy to the school where the father of the petitioner was working and the boy is now living with him. Learned counsel submitted that there is no motive for killing the wife by the petitioner as there is also a son and there has been no complaint against him by the wife except for a complaint case under Section 498A of the Indian Penal Code of the year 2011 which was compromised outside the Court and thereafter the couple was living peacefully. Learned counsel submitted that the informant himself is alleged of killing his first wife and son from the first wife and in the present case also there are strong indications that he might be the person who has done something to his daughter. Learned counsel submitted that even with regard to the



identification of a body found by the police under Sugauli PS as that of the victim, the same could not have been that of his daughter as she was aged about 30 years and the post-mortem report discloses that the body was that of a 20 years old woman. It was further submitted that the petitioner has no criminal antecedent.

5. Learned APP, from the case diary, submitted that witnesses have stated with regard to the role of the petitioner in disappearance of the daughter of the informant. However, he did not controvert that independent witnesses have stated that the girl had gone to her father's place. Further, he admitted that the son of the petitioner had given statement that his mother had left him with her aunt and had gone to meet her father and when she did not return the aunt had brought him to the school where the father of the petitioner was working.

6. Learned counsel for the informant submitted that he had given a *sanha* to the local police station about his daughter missing but nothing happened and after lodging of the FIR he was informed that the body was found under Sugauli PS and he has identified it to be of his daughter. It was submitted that because of the past history of demand of dowry, there are strong chances that the petitioner was involved in the crime.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in Paras Bigha PS Case No. 134 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, that one of the bailors shall be a close relative of the petitioner. The petitioner shall cooperate with the police/investigation and the Court. Failure to do so, shall lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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