

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44309 of 2021

Arising Out of PS. Case No.-259 Year-2020 Thana- SAUR BAZAR District- Saharsa

Anil Kumar Sah @ Anil Kumar, S/o Ramadhin Sah, R/o village- Arraha, P.S.-
Sourbazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Jha, Advocate
		Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Sanjeev Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

14 02-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Madhav Jha, learned counsel appearing on behalf of the petitioner, Mr. Sanjeev Verma, learned counsel for the informant as well as Satyendra Narayan Singh, learned counsel for the State.

The petitioner seeks regular bail, who is in custody in connection with Sourbazar P.S. Case No. 259 of 2020 registered for the offences punishable under Sections 363 and 365/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the marriage of the daughter of the informant was solemnized on



02.05.2017 and at the time of marriage, the informant gifted valuable items and cash of Rs.2.5 lakh. It is further alleged that soon after the marriage, the daughter of the informant was subjected to demand of dowry, as also threatened that if they failed to meet the said demand, second marriage of her husband shall be solemnized. It is further alleged that on 26.02.2019, the petitioner along with his family went to Singheshwar Temple, Madhepura for solemnization of marriage, however, the same was intervened by the family members of the victim and thereafter the petitioner's mother caught, who was brought to Singheshwar police station and she was released on P.R. bond. It is further alleged that after 5-6 months prior to the alleged date of occurrence, the victim was taken by this petitioner to Phatish Sah Saheb (Punjab) for earning their livelihood. However, suspicion has been raised that his daughter might have been killed by the accused persons and her dead body has been concealed. In spite of all the sincere effort, the victim could not be recovered till date.

Learned counsel appearing on behalf of the petitioner submits that save and except the suspicion, there is no cogent material, which has come during the course of investigation suggesting the involvement of the petitioner in this case and



moreover prior to the institution of this case, the petitioner filed Sanha on 06.04.2020 with regard to missing of his wife. It is further submitted that since the victim had relationship with another person, she might have been fled away with him. It is next submitted that this petitioner is in custody since 27.01.2021.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that the victim has gone missing since 01.03.2020, however, Sanha with regard to missing of the wife was filed on 06.04.2020, which shows the suspicious conduct of the petitioner. It is further submitted that prior to the alleged occurrence, the victim was always subjected to torture and the motive is already there for disappearance of the victim.

Learned counsel for the State also opposes the bail application and submits that pursuant to the direction of this Court, a counter affidavit has been filed duly sworn by the Superintendent of Police, Saharsa and it has categorically stated that during the course of investigation ample material has come suggesting the involvement of the petitioner. It has also come that in spite of sincere effort, the girl is still trace-less, however continuous communication has been established for tracing out



the girl as soon as possible.

Considering the aforesaid submissions made on behalf of the parties and taking into consideration the materials available on record, as also the fact that the victim had gone to Phatih Sah Punjab along with this petitioner and thereafter she is found traceless, but neither any sincere effort has been taken by the petitioner in locating his wife nor he timely instituted a case with regard to missing of his wife and further the trial is in progress, the court is not persuaded to enlarge the petitioner on bail, for the present.

Accordingly, the prayer for grant of bail to the petitioner is rejected.

It is expected that the learned trial court will take all necessary and sincere efforts to conclude the trial within a period of six months, failing which the petitioner would be at liberty to renew his prayer for bail.

(Harish Kumar, J)

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