

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7739 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- KHANPURA District- Samastipur

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ASHISH KUMAR @ ASHISH KUMAR JHA Son of Late Amar Shankar Jha
R/o Nathudwar P.S- Khanpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the petitioner and

the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Khanpur PS case no. 173 of 2022,
registered for the offences punishable under Sections 304(B),
201, 498A/ 34 of the Indian Penal Code and Sections 3/4 of
Dowry Prohibition Act.

The case of the prosecution in brief is that the
marriage of the petitioner was solemnized with the only
daughter of the informant on 11.12.2019, during the course
whereof, huge sums of money, gifts, jewellery, various articles
etc. were given to the petitioner and his family members,
whereafter the daughter of the informant had gone to her



matrimonial home but subsequently, the petitioner and his family members started demanding a Bullet motorcycle and on her making protest, the accused persons started torturing her and subsequently, the informant had brought her daughter back to her parental home in the month of July, 2022, when her daughter had disclosed that her in-laws had tried to kill her. Thereafter, the informant had rang the petitioner and called him on 03.07.2022. The petitioner had then arrived at the house of the informant and admitted his misdeeds and the ill-treatment meted out to his wife and had also assured that in future, he would ensure that his daughter is not harassed or tortured. Subsequently, on 05.07.2022, it is alleged that at about 11.00 hrs. in the day time, the petitioner, on his Bullet motorcycle, had come to the house of the informant in his absence and had hurriedly taken her daughter with him and subsequently, when the informant had tried to contact her daughter, her mobile phone did not respond and was switched off. After sometime, the informant came to know that the petitioner had taken the daughter of the informant to Nathudwar, whereafter the informant and his family members had gone to Nathudwar, however, no body was present at the house, whereafter the informant had rang the petitioner but he



did not give any satisfactory reply regarding whereabouts of the daughter of the informant. The informant and his family members had kept on searching for the victim girl and finally, when inquiries were made from the neighbours at Nathudwar, it transpired that in the night of 05.07.2022, the daughter of the informant had been killed by her in-laws and the petitioner and the dead body had been hidden somewhere.

The learned counsel for the petitioner submits that petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner has got no complicity in the matter and in fact, the victim girl had gone to her parental home, from where, she had disappeared.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that there are ample materials on record to suggest the complicity of the petitioner in the alleged crime and *prima facie*, it appears that the



petitioner and his family members have killed the daughter of the informant on account of non-fulfillment of the demand for dowry and had hidden her dead body, hence, the present case is not a fit case for grant of anticipatory bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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