

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32033 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- AMAUR District- Purnia

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ARSHAD @ MD. ARSHAD Son of Noor Kalam Resident of village-
Dumraha, P.S.-Amour, District-Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mazher Alam, Advocate.

For the Opposite Party/s : Ms. Pushpa Sinha., A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 30-08-2023 Heard Mr. Mazher Alam, learned counsel for the

petitioner and Ms. Pushpa Sinha, learned Additional Public

Prosecutor appearing for the State.

2. Petitioner apprehends his arrest in connection with

Amour P.S. Case No. 297 of 2022 dated 8.10.2022 registered for

the offence punishable under Sections 363, 364, 504 and 506/34

of the Indian Penal Code.

3. As per the First Information Report, the marriage

of the informant's daughter was solemnized with Khushnawaz.

The daughter of the informant went to her matrimonial village at

Dumra. Thereafter, the informant went to her husband's house at

Ajmer (Rajasthan) and about one month later when she came to

her house to meet her daughter in her matrimonial home at

Dumra, she found her daughter missing. The informant inquired



from her son-in-law Khushnawaz about her daughter, he informed that the informant's daughter left the house and fled away. The informant came to know from the villagers that her daughter was traceless and murdered by his son-in-law and his brothers Md. Arshad (petitioner) and Md. Noorshed. It has further been alleged that the accused persons also tried to pressurize the informant and gave some money to ex- mukhiya namely Gulam Sarwar. The informant went to ex-mukhiya Gulam Sarwar and told him about whole incident. He persuaded the informant to accept money since her daughter is not alive.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he being the elder brother of the informant's son-in-law living separately and is not concerned with the family affair of the co-accused Khushnawaz. He further submits that the daughter of the informant is living at Ajmer (Rajasthan) along with the informant and a false case has been lodged against the petitioner and others.

4. On the other hand, learned counsel for the State referring to the case diary submits that the investigation is still going on and the petitioner and others are not cooperating in the investigation and they are not residing in their house.



5. I have heard learned counsel for the parties and perused the materials on record. From perusal of the impugned order it appears that the learned Sessions Judge has recorded that the petitioner is named in the First Information Report and there is specific allegation against the petitioner that he along with co-accused Khushnawaz and Md. Nurshed either kidnapped or killed the daughter of the informant. He has also recorded that the petitioner even knowing about all the facts, did not cooperate at all in search of daughter of the informant rather he along with co-accused Khushnawaz and Md. Noorshed threatened the informant when the informant asked them about her daughter. Admittedly, the victim Ramena Khatoon is still traceless and investigation is going on in the case.

6. In view of the seriousness of the offence and the fact that the girl is still traceless and the investigation is still going on, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioner stands rejected.

(Anil Kumar Sinha, J)

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