

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38230 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- NAANPUR District- Sitamarhi

Kamlesh Kumar, son of Amiri Ray, resident of Village- Sater,Bakori, PS.
Nanpur Dist. Sitamarhi.

... .. **Petitioner**

Versus

The State of Bihar

... .. **Opposite Party**

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Nanpur P.S. Case No. 107 of 2023 registered for the offences punishable under Sections 304B, 120B, 201 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that his daughter, who was aged about 19 years, was missing since 14.04.2021 from his Darwaja and could not be traced out, after some time he came to know that one Kamlesh Kumar (the petitioner) has kept her at a secret place and solemnized marriage with her and establishing physical relationship with her. The informant further alleged that his daughter disclosed about her torture by the accused persons for



non-fulfillment of the demand of dowry. After some days, while she was not calling to her father, the informant came to know that the petitioner along with his family members had committed dowry death of his daughter and also planning to commit murder of the minor son of his daughter.

4. Earlier this Court has vide it's order dated 01.08.2023 after taking note of the submissions of learned counsel for the petitioner directed the Investigating Officer to produce the case diary. In the meantime, this Court directed that no coercive action shall be taken against the petitioner.

5. The case diary has been received and learned A.P.P. for the State has gone through the same.

6. Learned A.P.P. submits that from the F.I.R. itself it appears that the daughter of the informant was major (19 years) when she had gone missing from her house on 14.04.2021. She had been living with this petitioner who was a married person with three children. As per allegations, she was being tortured by the petitioner after forcefully indulging with her in establishing physical relationship and marrying her.

7. Contesting the submission of learned counsel for the petitioner that there is no reason as to why the informant will falsely implicate this petitioner. In paragraph '35' and '38' of the



case diary two co-villagers of the informant have supported the case and it appears from paragraph '55' of the case diary that the co-villagers of the petitioner are not ready to come forward with their name to cooperate with the investigation, but they have stated to the Investigating Officer that the deceased was the second wife of the petitioner and in the evening of 05.03.2022 there had been some dispute between the petitioner and the deceased. Two days after the alleged dispute, they came to know that the petitioner and other accused persons had committed murder of the daughter of the informant and with an intention to conceal the evidence they performed the last rites at some other place.

8. It is also submitted that the investigation of the case is still going on and because the petitioner is absconding for the present, the complete information have not been collected. Learned counsel submits that in the circumstances the custodial interrogation of the petitioner is required.

9. Having regard to the materials placed before this Court and on finding that the investigation of the case is still pending and the custodial interrogation of the petitioner is required by the Investigating Officer of this case, this Court is not inclined to grant privilege of anticipatory bail to the



petitioner.

10. Prayer for anticipatory bail of the petitioner is, thus, refused. Interim order dated 01.08.2023 shall stand vacated.

11. In case, the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on it's own merit without being prejudiced by the order of this Court.

12. Let the case diary be returned to the court below.

(Rajeev Ranjan Prasad, J)

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