

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16450 of 2023

Arising Out of PS. Case No.-8 Year-2022 Thana- SATHI District- West Champaran

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GAMBHA MUKHIYA @ GAMA KUMAR BIN @ GAMA KUMAR SON
OF KAILASH MUKHIYA @ KAILASH BIN RESIDENT OF VILLAGE-
DHOBANI PARSAUNA BRITA TOLA, PS- SATHI, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. TETARI DEVI WIFE OF SHRI RAMAYAN MUKHIYA RESIDENT OF
VILLAGE- SHIKARPUR, PS- SHIKARPUR, DISTRICT- WEST
CHAMPARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

9 10-04-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sathi P.S. Case No. 08 of 2022 for the offence under sections 341, 323, 379, 365, 498(A) of the I.P.C. and sections 3/4 of the D.P. Act lodged on 07.01.2022 by the informant, Tetari Devi.

3. As per the prosecution story, the mother of the victim lady has alleged that her daughter was married to this petitioner but was always tortured for dowry and at one time, she was also poisoned but miraculously, she survived. It is a case that when she was at her parents' home, the petitioner came



on motorcycle and after a fight, in the midnight itself, he took away the daughter. Since then, she is traceless. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that she had gone to the parents home and became traceless and unnecessary blame has been shifted to him.

5. In the aforesaid circumstance, a co-ordinate Bench had called for the case diary which has since been received and in paragraphs 46 and 47, the witnesses have narrated the same story that finds place in the FIR inasmuch as it was the petitioner who took the lady on motorcycle in the midnight and since then, she is traceless.

6. The FIR is of 07.01.2022, the petitioner is the husband of the victim lady, she is traceless, there is nothing on record to show what steps he took once his wife went missing and almost two and half years later, he is seeking anticipatory bail.

7. In that circumstance, no relief can be granted to the petitioner, his anticipatory bail application stands rejected.

8. The Superintendent of Police, West Champaran is directed to assign the case to any SDPO of the district to know about the whereabouts of the lady and/or whether she is even



alive or not has to be ascertained. It is further surprising that in a case in which the petitioner is main culprit, he is roaming free for last two and half years. The S.P., West Champaran to submit a report within four weeks from today on this aspect.

9. Let the office sent a copy of the order to the S.P., West Champaran for his perusal and needful.

10. List after six weeks under the heading ‘To Be Mentioned’ to peruse the report of the S.P., West Champaran.

(Rajiv Roy, J)

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