

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

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

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the State : Mr.Nand Kishore Prasad
For the Informant/s : Mr.Piyush Kr. Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 07-02-2024

Heard the parties.

2. The petitioner seeks bail in connection with Khanpur P.S. Case 173/2022, registered for the offence punishable under Sections 304B, 201, 495(a)/34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act, in which charge sheet has been submitted under Sections 498A, 364, 34 of the I.P.C. and under Section 3/4 of the D.P. Act.

3. As per prosecution case, the informant's daughter was married with the petitioner on 11.12.2019. It is alleged that at several occasions the informant's daughter visited the matrimonial house but the behaviour of the petitioner and her in-laws could not improve. The informant's daughter stated that at several occasions her in-laws tried to kill her but due to



intervention of neighbours she was saved. Thereafter, on 05.07.2022, the petitioner again came to the house of informant and he was very much rigid to secure the departure of the informant's daughter. The petitioner asserted that if the informant did not permit his daughter to go with him, then, he would never keep the informant's daughter with him. Lastly, the informant permitted her daughter to go with the petitioner in the interest of better conjugal life. Lastly, the petitioner persuaded the informant and his family members that past mistakes would not be committed again and permitted her to go with the petitioner. It is further alleged that the informant's daughter was taken by the petitioner on his bullet motorcycle and since then she became traceless and the present case has been lodged against the petitioner and others.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. The petitioner being husband of the informant's daughter and has falsely been implicated in this case. The petitioner has already filed a Complaint Case no.1119/2022 against the informant and others. He further submits that petitioner is not in any way connected with the alleged occurrence. The petitioner had also bonafidely searched



his wife but she became traceless from her Maika, which is evident from the FIR itself. The occurrence took place on 05.07.2022 and FIR was lodged on 11.07.2022 and there is no plausible explanation of such delay. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. The petitioner is a Central Government Employee. The petitioner is languishing in custody since 02.06.2023. The petitioner bears no criminal antecedent.

5. The learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner submits that during course of investigation, in paragraph nos. 7 and 8 of the case diary Sumant Pathak and Harimohan Choudhary have clearly stated that the informant's daughter was seen with the petitioner on a bullet motorcycle. Allegation of FIR as well as restatement of the informant has supported that the informant's daughter (victim) has become traceless and no reason has been explained by the petitioner as to why she has become traceless.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner and material available on record, I am not inclined to grant bail to



the petitioner. Hence, prayer for bail of the petitioner stands rejected.

7. However, if trial is not concluded within six months from the date of receipt / production of copy of this order, the petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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