

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85898 of 2023

Arising Out of PS. Case No.-50 Year-2014 Thana- CHAPRA MUFFASIL District- Saran

Shashi Kumar son of Ram Chandra pd. Yadav Resident of village- Bangra,
P.S.- Muffassil chhapra in the district of Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Shankar Prasad Yadav
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-03-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 304(B) and
34 of the I.P.C.

3. Learned counsel for the petitioner submits that
petitioner being the husband has been falsely implicated in the
instant case. It is further submitted that the informant has
instituted the instant F.I.R. alleging that his sister was married to
the petitioner on 11.05.2013 but after marriage, the victim was
being tortured for non-fulfillment of demand of dowry. It is next
alleged that on 13.09.2013 the victim came back to her parental
home from where she had gone to collect her certificates on
23.09.2013 but never returned, as such, alleges that the accused



persons including the petitioner might have killed the deceased. The learned counsel submits what is not in dispute rather stands admitted is that the victim went missing from her parental home on 23.09.2013, thereafter instead of instituting an F.I.R. instantly, a complaint case was instituted on 20.01.2014 i.e. after more than three months of the victim going missing, based on which, the instant F.I.R. came to be instituted on 25.03.2014. It is thus submitted that if the sister of the informant went missing on 23.09.2013, what prompted the informant not to institute an F.I.R. promptly. It is next submitted no doubt the sister of the informant was married to the petitioner in the year 2013 but then out of the wedlock, no child was born, as she never stayed with the petitioner and it is the case of the informant himself that she came back to her parental home on 13.09.2013 from where she went missing on 23.09.2013. It is further submitted that the victim was in love with someone, as such, she fled and the informant was aware of this fact and hence did not institute an F.I.R. promptly thinking that the police might recover the victim. It is also submitted that till date, there is no trace of the victim i.e. police has not been able to locate or find her nor her dead body has been recovered but then it is more than 10 years now from the date when the victim went missing as such the



presumption in law is that the victim is no more. It is further submitted that it absolutely does not stand to reason that as to why the petitioner would indulge in such an occurrence as alleged in the F.I.R when O.P. No.2 had gone to her parental home. It is also submitted by the learned counsel for the petitioner that during the course of investigation, the police has recorded that the case is pending investigation against unknown with regard to abduction of the victim. It is further submitted that petitioner will not abscond rather will co-operate in the investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chhapra Muffasil P.S. Case No.50/2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



6. However, it is made clear that in the event if the charge sheet is submitted in the case connecting the petitioner with the offence, in that event the present anticipatory bail order shall loose its effect.

(Satyavrat Verma, J)

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