

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12231 of 2025

Arising Out of PS. Case No.-144 Year-2020 Thana- SHEOHAR District- Sheohar

Mithilesh Kumar @ Mithlesh Kumar Yadav @ Mithalesh Kumar Yadav Son
of Kapildev yadav @ Kapil Deo Yadav @ Kapildeo Rai Resident of Village-
Jitaura Ward No. 14, P.S.- Madhuban, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Nandan

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 20-08-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Sheohar Police Station Case No. 144 of 2020, dated 22.05.2020, disclosing offences punishable under Sections 498-A/302/366 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report lodged on the basis of complaint petition filed by the complainant Hira Devi in the Court of learned Chief Judicial Magistrate, Sheohar, is that the daughter of the informant, namely, Sangeeta Kumari, was posted as Home Guard and the petitioner solemnized marriage with the daughter of the informant on 11.04.2017 in a temple. Soon after the marriage, co-accused persons started



demanding a four-wheeler vehicle as dowry and due to non-fulfillment of the said demand, the petitioner used to torture her, both mentally and physically. The petitioner snatched the mobile of the daughter of the informant. After some time, when the informant went to the house of her daughter, she found the house empty and both, the petitioner and the daughter of the informant, were trackless. It has further been alleged that in the month of October, the informant saw the co-accused persons, namely, Umesh Singh and Kiran Devi, in the Sheohar Bazar, then she enquired about her daughter from them, upon which they told the informant to forget her daughter otherwise they would kidnap the another daughter of the informant.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on wrong and baseless allegation. He further submits that other three co-accused persons are not related to the petitioner, as such, there is no occasion for them to demand dowry in favour of the petitioner. He further submits that the victim girl has performed love marriage with the petitioner and after the marriage, the



victim used to talk to many boys on phone, which was not to the liking of the petitioner and due to this the victim used to fight with the petitioner and fled away to her parental house. He further submits that due to the bad behaviour of the victim, the petitioner started living in Ludhiana with the victim, but one day, in the month of December, 2018, the victim left the house of the petitioner saying that she will marry another boy. He further submits that the petitioner tried to search his wife, but failed to do so and then he informed the informant about missing of his daughter. He further submits that there is no material against him in the entire case diary. He next submits that from perusal of the statement of sister of the victim, recorded under Section 161 of the Code of Criminal Procedure, 1973, in paragraph 126 of the case diary, it would be evident that the victim had performed second marriage with the petitioner.

5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that despite every possible step taken by the police, the victim is still traceless. He, referring to paragraphs 126 (statement of sister of the victim) and 137



(statement of father of the petitioner), it is evident that the relation between the petitioner and the victim was very bad and the petitioner used to torture the victim, both mentally and physically and the factum of torture has been accepted by the father of the petitioner and for keeping the victim in cordial relation, an agreement was entered into by the father of the petitioner in presence of the villagers.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that despite every possible steps taken by the police, the victim is still traceless, from perusal of the case diary, it is evident that the relation between the victim and the petitioner was very bad and this fact has been admitted by many witnesses in the case diary, the victim was in the custody of the petitioner and she became traceless in 2018, but the petitioner did not inform the police and even did not lodge a missing report, though the petitioner is named in the F.I.R., dated 22.05.2020, the petitioner has filed anticipatory bail application before the District Court, Sheohar, on 25.11.2024, i.e. after a delay of four and a half years, I am not inclined to grant the petitioner



privilege of anticipatory bail.

7. This application is, accordingly, dismissed

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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