

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30902 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- KADWA District- Katihar

Mithilesh Mahaldar, Male, aged about 25 years, Son of Ratan Mahaldar,
Resident of Village-Kumhari, P.S.- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kadwa
P.S. Case No. 206 of 2023 instituted for the offences punishable
under Sections 306/34 of the Indian Penal Code, later on
Section 304B of the Indian Penal Code was also added and
Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, it is case of dowry
death.

4. The informant Budhu Mahaldar received
information that his daughter has committed suicide by hanging.
It has been stated by the informant that his daughter was
married with the petitioner eight months ago prior to this
occurrence, and after some time of marriage all the accused



persons including the petitioner subjected his daughter with cruelty and torture due to non-fulfillment of dowry demand of one motorcycle, and ultimately she committed suicide due to instigation of her husband and in-laws.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case only on the basis of suspicion. He further submits that the petitioner is the husband of the deceased. There is no eye witness of the occurrence. Chargesheet has already been submitted in this case. There is no any independent witness who has supported the version of the informant. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 29.09.2023.

6. Learned APP opposes the prayer for bail.

7. From perusal of the FIR and the impugned order dated 05.02.2024 passed by the learned Sessions Judge, Katihar, it appears that petitioner is the husband of the deceased Kajal Devi, and he never tortured physically or mentally her and never demanded any motorcycle. It has been submitted that there is no evidence against this petitioner in entire case diary regarding his involvement in the alleged occurrence. From perusal of the record, it appears that this is a case of dowry death and



petitioner is the husband of the deceased and she died at her matrimonial home within eight months of her marriage. It also appears that due to non-fulfillment of demand of one motorcycle all the accused persons including the petitioner tortured the deceased, due to which she committed suicide. The post mortem report shows that the cause of death is Asphyxia as a result of hanging.

8. Considering the facts and circumstances of the case, nature of offence and submissions of learned counsel for the parties, I am not inclined to grant bail to the petitioner.

9. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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