

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3352 of 2025

Arising Out of PS. Case No.-226 Year-2024 Thana- SARAIYA District- Muzaffarpur

Shambhu Mahto, Son of Janak Mahto, R/O-Village- Gidhdha, Police Station-
Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2025 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Saraiya P.S. Case No. 226 of 2024 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the marriage of the daughter of the informant was solemnized with co-accused Pappu Mahto in the year 2015. The couple also blessed with three children in course of time. However, it is alleged that the daughter of the informant was subjected to demand of dowry and on account of non-fulfillment of the same, she was tortured in various ways. On 11.05.2024, the daughter of the informant informed him that all the accused



persons have threatened to eliminate her. On the aforesaid information, the informant rushed to the matrimonial house of the victim and found the dead body of his daughter.

4. Learned Advocate for the petitioner contended that from the F.I.R. it is evident that the petitioner is non-else, but the neighbour of the husband of the deceased. The information with regard to the occurrence was given on 11.05.2024, but the written report was reduced in typed copy on 13.05.2024, the F.I.R. has been registered on 17.05.2024 and was sent to the jurisdictional court on 28.05.2024 and, as such, deliberation and false implication of the petitioner cannot be ruled out. It is further contended that only on account of suspicion, the name of the petitioner has been implicated in this case. However, even in the post-mortem report no mark of violence has been found and, as such, opinion of cause of death has been kept reserve till receipt of the chemical analysis, as is evident from the impugned order.

5. On the other hand, learned APP for the State opposes the bail application and submits that the name of the petitioner was disclosed by the deceased daughter of the informant and, as such, his complicity cannot be ruled out.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the petitioner is a neighbour, coupled with the post-mortem report, which does not disclose any mark of violence and the fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, West Muzaffarpur in connection with Saraiya P.S. Case No. 226 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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