

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3290 of 2025

Arising Out of PS. Case No.-57 Year-2024 Thana- KUWARI District- Araria

Dhyan Mahto @ Dhyan Kumar Mahto S/o- Lakhan Mahto, Resident of village- Megha Ward no 02 Police station-Kuari District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Kuwari P.S. Case No. 57 of 2024 registered for the alleged offences under Sections 80, 238/3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the daughter of the informant was married with the petitioner and allegation against the petitioner is that due to his illicit relationship with his sister-in-law, he and other co-accused persons strangled the daughter of the informant to death.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The daughter of the informant committed suicide and this



fact is clear from the FIR as the death is stated to be caused due to asphyxia by hanging and there is no report of strangulation. Learned counsel further submits that though the informant has received the information of death of her daughter on 01.09.2024, she got registered the FIR on 03.09.2024, which shows deliberation and afterthought. In fact, the informant attended the last rites of her daughter and this fact was also certified by the independent witnesses who were examined during investigation by the police. The witnesses who are family members of the informant have given a parrot like statement and only when the independent witnesses were examined, the true fact came to the knowledge of all. In the present facts and circumstances as there is no demand of dowry, no offence under Section 80 of Bharatiya Nyaya Sanhita is made out against the petitioner. Learned counsel further submits that the petitioner is in custody since 14.11.2024 and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the cause of death for which there is no allegation and also



considering the delay in lodging the FIR and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Araria/court concerned in connection with Kuwari P.S. Case No. 57 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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