

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10883 of 2025

Arising Out of PS. Case No.-411 Year-2024 Thana- BANIAPUR District- Saran

Swaminath Prasad @ Swaminath Pd, aged about 65 years, Male, Son of Late
Ekbal Prasad, Resident of Village- Karahi, P.S- Baniyapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Mr. Angad Kunwar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with
Baniyapur P.S. Case No. 411 of 2024 instituted for the offences
punishable under Sections 80, 61(2), 3(5) of the BNSS.

3. As per the prosecution case, it is case of dowry
death due to non fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. Petitioner is the father-in-
law of the deceased. He submits that the petitioner's family
leave separately from his son and his kitchen is also separated
from him. He further submits that the petitioner neither torture



or assaulted nor demanded any amount or article from the family member of the deceased. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 08.09.2024.

5. Learned APP for the State and learned counsel for the informant opposes the prayer for bail.

6. From perusal of the case diary, FIR, postmortem report and also perused the impugned order dated 07.01.2025 passed by the learned District and Additional Sessions Judge-IV, Saran at Chapra, it appears that on the basis of written report of the informant namely Shambhu Lal Prasad, FIR has been lodged under Sections 80, 61(2), 3(5) of the BNSS against six accused persons including the present petitioner. It also appears that the petitioner is the father-in-law of the deceased. From perusal of the postmortem report, it is evident that the cause of death is shown as asphyxia, due to hanging. The husband of the deceased is not in custody and absconding from the police, so considering all these aspects of the case, I am not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8. However, if the husband of the deceased surrenders



before the Trial Court, then the petitioner may renew his prayer
for bail before the trial Court.

(Ramesh Chand Malviya, J)

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