

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.17562 of 2025

Arising Out of PS. Case No.-72 Year-2024 Thana- MUSRIGHRARI District- Samastipur

Pramod Mahto Son of Late Jogendra Mahto Village-Barbatta PS-
Musarigharari District -Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arjun Mahto son of Hari Lal Mahto village- Bhagwatpur, Ps- Sarairanjan,
Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy
For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-04-2025 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of regular bail, arises out
of Musarigharari Police Station Case No. 72 of 2024, dated
25.05.2024, disclosing offences under Sections 304-B/34 of the
Indian Penal Code.

3. As per the prosecution case, the marriage of the
informant's daughter was solemnized with the petitioner and
after the marriage, petitioner along with other accused persons
started demanding motorcycle and cash as dowry and due to
non-fulfillment of the demand, the informant's daughter has



been killed by the accused persons by pressing her neck.

4. Mr. Umashankar Singh, learned counsel for the petitioner, submits that petitioner has not committed any offence in the manner alleged and he has been made accused on the allegation that he demanded dowry along with other family members and due to non-fulfillment of demand, he has killed his wife along with others by pressing her neck but in the post-mortem report, the cause of death is asphyxia due to hanging. He next submits that the date of marriage is not mentioned in the FIR and it is difficult to say that the marriage had taken place within 7 years from the date of occurrence.

5. I have heard learned counsel for the parties and have perused the materials on record. There is allegation against the petitioner of demand of dowry and on the non-fulfillment of the demand, the petitioner's wife has been killed by him and his family members. There is a presumption in law against the petitioner though the same is rebuttable presumption but the date of marriage has also not disclosed by the petitioner in the bail application. The nature of death is not important whether it is suicidal, accidental or homicidal. The petitioner is the husband and presumption against him is under Section 113(A) and 113(B) of the Evidence Act, accordingly, I am not inclined to



grant privilege of regular bail to the petitioner at this stage.

6. This application is, accordingly, rejected.

7. However, the petitioner may renew his prayer for bail after a period of one year if the trial does not show much progress.

(Anil Kumar Sinha, J)

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