

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22737 of 2025

Arising Out of PS. Case No.-117 Year-2024 Thana- PHULWARIA District- Begusarai

Manish Mahto S/o Shekhar Mahto R/o Village - Bishnupur, Pahari Gachhi,
Ps- Muffasil, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Tiwary, Adv

For the Opposite Party/s : Mr. Ashlam Ansari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 29-05-2025 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner makes a prayer for grant of regular
bail in a case registered for the offences punishable under
Sections 103 of the BNSS Act.

3. The prosecution case in the FIR is that the
marriage between the petitioner and the deceased had taken
place 11 years back and there are three minor children out of the
wedlock. It has further been alleged that on 27.07.2024 at
around 8.40 p.m, the informant received an information on his
mobile phone with regard to the death of his sister and also the
dead body was brought to Sadar Hospital, Begusarai whereafter,
the informant also reached the hospital and saw a mark on her
neck. In the last part of the FIR,, it has been alleged that the



informant believes that on account of some dispute between the husband and wife, the petitioner has caused the death of the deceased by pressing her neck

4. Learned counsel for the petitioner submits that that it would be clear from the FIR itself, that the marriage was 11 years old with three children was out of wedlock and no other complaint of any misbehaviour was earlier reported, rather the informant has only raised a suspicion in the FIR that the death seems to have been caused on account of some matrimonial dispute between the parties. It has also been submitted on behalf of the petitioner that the bonafide of the petitioner can be assessed on account of the fact that he duly informed the informant on mobile and did not make any attempt to destroy the evidence or cremate the dead body of his wife. The allegations thus remain upon the petitioner only on account of suspicion with no witness to the said incident. During the course of investigation, it would be apparent from paragraph-38 that no material was seized by the FSL team which would have seemed suspicious. Further, it has also been noted in Paragraph-61 that no other witness of the neighbourhood gave any statement against the petitioner. The petitioner is in custody since 05.12.2024 and the charge sheet has been submitted.



5. The learned APP opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances let the above named petitioner be enlarged on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Phulwariya P.S. Case No. 117 of 2024.

(Soni Shrivastava, J)

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