

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30245 of 2025

Arising Out of PS. Case No.-668 Year-2024 Thana- MUFFASIL District- West Champaran

Manish Kumar Son of Late Umesh Prasad, R/o Village-Patel Chowk,
Nayatola Kanchan Nagar, PS.- Muffasil, Dist- West Champaran at present
Hemvapur, PS- Sitamarhi, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastava, Adv.
Mr. Amrit Kirti, Adv.
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-08-2025 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Bettiah Muffasil P.S. Case No.668 of 2024, registered for
the offences punishable under Sections 103(1) and 85 of the
B.N.S.

3. Based upon the written report, the prosecution
alleges that the marriage of the daughter of the informant was
solemnized with the petitioner on 17.06.2017 and out of the
wedlock, a son was born, who is aged about six years. On
17.12.2024, the informant received an information that his
daughter is not well; whereupon he rushed to her matrimonial
home and found the dead body of his daughter lying in front of



her house. It is further alleged that the accused persons were used to torture the daughter of the informant and the informant make them understand but the accused persons did not mend their ways and on 17.12.2024, it appears that the petitioner administered her poisonous laced substance due to which she died.

4. Learned Advocate for the petitioner contended that admittedly, the marriage was solemnized long back in the year 2017 and the couple also blessed with a son and, as such, at this belated stage, any demand of dowry and consequent torture leading to death does not inspire confidence. In fact, the deceased was suffering from various ailment and during the course of treatment she died. This fact has also been corroborated with the materials collected during the course of investigation, where it has come that the wife of the petitioner was fallen ill and thereafter she was taken to clinic of Dr. Dipak Kumar and on being found her condition not good various medicines were prescribed. After few days, again she felt severe chest pain; thereupon she was immediately taken to Government Medical College and Hospital, Bettiah, where ECG was conducted but, later on, the attending doctor declared her dead. The postmortem of the deceased was also conducted;



it transpired that the heart of the deceased was found cardiomegaly with fatty deposition with pericardial effusion. On being found no reason for death, viscera of the deceased was sent to the Forensic Science Laboratory.

5. Taking this Court through the postmortem report, learned Advocate for the petitioner candidly submitted, that, in fact, the deceased died on account of cardiac arrest; however, on account of some instigation made by unscrupulous person, the present FIR came to be instituted. It is further contended that during the course of investigation, the statement of independent witnesses have also been recorded and they have categorically stated that the petitioner was all along present with the deceased and was involved in getting her treatment done in the hospital. It is not the case that the petitioner after administering some intoxicant laced substance left the house, rather it is he, who had extended all the medical facilities to the victim and thereafter when she died, brought her dead body for cremation and performed the same in presence of all the family members, including the informant.

6. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submitted that apart from the fact that the petitioner is the husband of the deceased



and there is specific allegation against him of causing death of the daughter of the informant. Now, the process under Section 82 CrPC. has been initiated and, as such, the application for anticipatory bail is not maintainable.

7. At this juncture, learned Advocate for the petitioner, has placed reliance upon a decision rendered by a learned co-ordinate Bench of this Court in **Maharaja Kumar & Anr. v. The State of Bihar [Cr. Misc. No.16818 of 2024]**, wherein the learned Single Judge taking note of various decisions rendered by the Apex Court as well as the learned Division Bench of this Court has been pleased to observe as follows:

“11. Having regard to the facts and circumstances of the case and rival submission of the parties, this Court is of the view that the anticipatory bail application could be maintained even after issuance of process under Section 82 of the Cr.P.C. However, the conduct of the accused and other facts becomes important for entitlement of a person for grant of anticipatory bail in such cases where process under Sections 82 and 83 of the Cr.P.C. have been issued. If a person against whom a warrant has been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Cr.P.C., he is not entitled to the relief of anticipatory bail. In other



words there must be willful act of disobedience of the processes of the court. However, at the same time, it is to be reminded that the processes under Sections 82 and 83 of the Cr.P.C. are transient in nature and are means to secure appearance of accused before the court and thereafter, Sections 84, 85 and 86 of the Cr.P.C. deals with claims and objections to attachment, release, sale and restoration of attached property and appeal from order rejecting application for restoration of attached property, respectively. These provisions stress the temporary nature of proceeding under Sections 82 and 83 of the Cr.P.C. Infraction of personal liberty of an individual on the basis of such temporary provision would run counter to the scheme of Section 438 of the Cr.P.C. and hence an application under Section 438 of the Cr.P.C. would be maintainable.”

8. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the materials collected during the course of investigation as also the postmortem report and the medical prescription, which have been brought on record, this Court is inclined to enlarge the petitioner on pre-arrest bail; let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., West Champaran, Bettiah in connection with Bettiah Muffasil P.S. Case No.668 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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