

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39704 of 2025

Arising Out of PS. Case No.-407 Year-2023 Thana- KALYANPUR District- East Champaran

1. Ramagya Mahto, Son of Late Prasad Mahto, R/o Village Pulwariya, PS Kalyanpur, Distt East Champaran
2. Maya Devi, Wife of Ramagya Mahto, R/o Village Pulwariya, PS Kalyanpur, Distt East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Singh, Adv.

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 03-09-2025 Heard Mr. Ashok Singh, learned counsel for the
petitioners and Mr. Abhay Kumar, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Kalyanpur P.S. Case No. 407 of 2023 dated 15.11.2023 registered for the offences punishable under sections 304B and 201 read with section 34 of the Indian Penal Code.

3. As per the prosecution story, the informant alleged that her husband's niece, who was married to the son of Ramagya Mahto (petitioner No. 1), was killed by the FIR named accused persons, including the petitioners, on account of non-fulfillment of dowry demand for a motorcycle and a buffalo.



4. The main submissions advanced by petitioners' counsel are that both the petitioner Nos. 1 and 2 are the father-in-law and mother-in-law of the deceased respectively, in fact the deceased's health condition was not good and on the day of her death, she was admitted to the Primary Health Center, Kalyanpur, whose report clearly shows that she was having vomiting, Diarrhea and Abdomen pain and thereafter, she was referred to Sadar Hospital, Motihari and during the course of being taken there, she died and thereafter, the deceased's father was informed by the petitioner No. 1 on the telephone regarding the health condition of the deceased and in this regard, his statement recorded during the investigation is relevant. It is further submitted that in the FIR, there is no specific allegation against the petitioners and the informant and his other family members also participated in the funeral of the deceased.

5. Learned APP for the State has opposed the bail prayer of the petitioners.

6. Considering the seriousness of the occurrence which relates to dowry death and mainly the facts that the deceased died within one year of her marriage and it is an admitted position that the dead body of the deceased was cremated without informing the police and in the FIR, the informant has made allegation that the deceased was being



tortured by the petitioners and other co-accused persons for the demand of a motorcycle and a buffalo, in my opinion, it is not a fit case to grant the relief of anticipatory bail to the petitioners. Accordingly, their prayer stands rejected.

(Shailendra Singh, J)

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