

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39381 of 2025

Arising Out of PS. Case No.-142 Year-2025 Thana- MAJHAULIA District- West Champaran

Hussain Miyan S/o Sharif Miyan R/o vill - Ahwar Sheikh, P.S. - Majhauiliya,
Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 03-09-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the Petitioner and Mr. Nand Kumar, learned APP for the
State.

2. The petitioner apprehends his arrest in connection
with Majhauiliya P.S. Case No. 142 of 2025 dated 08.03.2025
registered for the offences punishable under Sections 80 and
3(5) of the Bharatiya Nyaya Sanhita.

3. The main submissions advanced by the petitioner's
counsel are that, though the FIR has been registered for the
offence of dowry death, in fact, the deceased, who happened to
be the wife of the petitioner, committed suicide on account of
being annoyed with the petitioner for not taking her abroad. The
petitioner was admittedly not present at his house when the
deceased committed suicide, and to prove this, the FIR itself is



evident. It is further submitted that in the first part of the FIR, relating to the alleged torture of the deceased for the demand of a motorcycle by the accused, including the petitioner, there is no specific allegation against the petitioner. It is lastly submitted that only one ligature mark, suggesting death by hanging, was found on the deceased's body, and except the neck, no other injury was found on the body and according to one witness, namely Amresh Miyan, the room of the deceased was found locked from inside of which gate was removed when no response was given by the deceased, and she was found hanging from the ceiling fan.

4. On the other hand, the learned APP appearing for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is the husband of the deceased, and the death of the deceased occurred within two years of her marriage. The petitioner was also involved in torturing the deceased for the demand of a motorcycle.

5. Heard both sides and perused the FIR and the case diary of this case. It is an admitted position that the petitioner was abroad when the death of the deceased took place and in the first part of the FIR, relating to torturing the deceased for the demand of a motorcycle, the informant has not revealed any



specific role of the petitioner in torturing the deceased. Further, on the dead body of the deceased, only one ligature mark around her neck was found, and the cause of death was opined to be asphyxia as a result of hanging, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Majhauriya P.S. Case No. 142 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Shailendra Singh, J)

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