

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40538 of 2025

Arising Out of PS. Case No.-166 Year-2016 Thana- UDAKISHUNGANJ District-
Madhepura

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Shrawan Kumar @ Shravan Kumar S/o Late Rajo Mahto Resident of Village-
Uda, Ward No. 03, P.S.- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 25-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection with
Udkishunganj P.S. Case No. 166 of 2016 instituted for the
offence under Section 304(B)/34 of the Indian Penal Code.

3. The case of the prosecution is that the daughter of
the informant, namely, Lovely Devi was married with one
Chandan Mahto in the year 2016. It is further alleged that she
was subjected to cruelty on non-fulfillment of dowry demand.
The informant was informed by the villagers that her daughter
has been killed.

4. Learned counsel for the petitioner has submitted



that the petitioner is brother-in-law of the deceased and that during investigation police has not sent up him for trial but the trial court has taken cognizance against his as well. Learned counsel for the petitioner has enclosed the order-sheet of the learned trial court which goes to show that he has not received the summon. Learned counsel further submits that he has annexed his matriculation mark-sheet which goes to show that his date of birth is 12.02.2002. The occurrence is of 13.12.2016. It has also been submitted that the petitioner was minor at that time. Learned trial court has taken cognizance. Cognizance is not a material for the consideration of the bail rather the material which has been brought during investigation is to be perused for purpose of bail.

5. Learned APP for the State has vehemently opposed the prayer for bail to the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Udakishunganj P.S. Case No. 166 of 2016, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each



to the satisfaction of learned Additional Chief Judicial Magistrate- 1st, Udakishunganj, District-Madhepura, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

7. Accordingly, the present bail application stands allowed.

(Ashok Kumar Pandey, J)

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