

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47369 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- DARAUNDA District- Siwan

Subhash Prasad, S/o- Tarkeshwar Prasad @ Tarkeshwar Patel, R/o Village-
Pakari, P. S. - M. H. Nagar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 08-10-2025 Heard Mr. Raghav Prasad, learned counsel for the

petitioner and Mr. Tapeswar Sharma, learned APP for the

State.

2. The petitioner has prayed for bail in connection
with Daraunda(M.H.Nagar) P.S. Case No. 37 of 2025 registered
for the offence punishable under Sections 80, 238 and 3(5) of
B.N.S.

3. The case of the prosecution is that the daughter of
the informant Nisha Kumari (deceased) was married to the
petitioner on 06.06.2023. It is alleged that she was being
subjected to cruelty on account of non-fulfillment of dowry
demand. It is alleged that the petitioner along with others have
killed the daughter of the informant. It is also alleged that the
informant was being informed that the deceased has been



cremated.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. From perusal of the F.I.R. itself it is clear that the allegation is that the deceased was cremated by the accused persons but from perusal of the postmortem report it is clear that actually postmortem was conducted of the deceased. From perusal of the statement of one Sudama Prasad in para-9 of the diary it is clear that the informant and his son have participated in the cremation of the deceased. It has also been argued that para-8 of the diary goes to show that the topography of the room where the deceased died and I.O. has recorded that the iron rod was there in the roof and he was informed that the deceased was found hanging on the this rod. It has also been submitted that from perusal of the postmortem report it will also transpire that the doctor has only found a ligature mark on neck below thyroid cartilage and the doctor has opined that that cause of death is asphyxia due to hanging. It has also been submitted that there is no other injury on the person of the deceased. It has also been submitted that actually the marriage of the deceased was not solemnized on her own will that is why she was not very happy



with the marriage. Petitioner is having no criminal antecedent and he is languishing in judicial custody since 04.02.2025.

5. Learned APP appearing for the State has vehemently opposed the application for bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Daraunda (M.H. Nagar) P.S. Case No. 37 of 2025.

(Ashok Kumar Pandey, J)

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