

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46911 of 2025

Arising Out of PS. Case No.-193 Year-2024 Thana- CHANPATIA District- West Champaran

Suresh Mahto S/o Sri Ramji Mahto R/o Village- Khora, P.S.- Chanpatia,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Madhuri Kumari, Adv.
For the Opposite Party/s : Mr.Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Chanpatia P.S. Case No. 193 of 2024, instituted for the offences punishable under Sections 80, 61(2) and 238 of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, daughter of the informant was done to death by the petitioner along with other co-accused persons for non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Petitioner is the husband of the deceased. There is



no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. He further submits that the deceased has died due to severe ailment for which she was also treated. He further submits that the petitioner was not present at the place on the alleged date of occurrence as he had gone to Ladakh on 12th of March, 2024. He further submits that though the petitioner is the husband of the deceased but, nothing adverse has come against the petitioner in the F.I.R. The petitioner has never demanded any dowry from the deceased or her family members. The petitioner is in custody since 13.11.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 12.02.2025 passed in Cr. Misc. No. 4287 of 2025. He further submits that the co-accused Tuntun Mahto @ Tuntun Choudhary has also been granted bail by this Court vide order dated 29.04.2025 passed in Cr. Misc. No. 22346 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The petitioner is the husband and, hence, he does not deserve bail.



6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner, the petitioner having no criminal antecedent as also there being no specific allegation of any overt act against the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chanpatia P.S. Case No. 193 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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