

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49928 of 2025

Arising Out of PS. Case No.-854 Year-2023 Thana- MAJHAULIA District- West Champaran

AJAY MUKHIYA S/o- Pundev Mukhiya @ Pundeo Mukhiya Village-
Dumari Mahanwa Ps- Majhauriya Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-11-2025 Heard Mr. Sarvesh Kashyap, learned counsel for the
petitioner and Mr. Prem Kumar Jha, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
12.12.2024 in connection with Majhauriya P.S. Case No. 854 of
2023, F.I.R. dated 04.10.2023 for the offences punishable under
Sections 304(B), 201, 34, 506 of the Indian Penal Code.

3. According to prosecution case, the informant
alleged that the petitioner alongwith other co-accused persons
killed his daughter due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case merely on the ground that he is husband of the deceased. The allegation levelled against the petitioner is false and fabricated and the deceased died due to accident and after the accident, the doctor had examined the deceased, which is recorded in paragraph-13 of the case diary. He further submits that similarly situated, co-accused persons namely, Poonam Devi and others have been granted bail by this Court vide order dated 04.04.2024 passed in Cr. Misc. No. 20713 of 2024.

5. Vide order dated 01.08.2025 a report was called with regard to stage of the trial. Report of the learned Trial Court dated 28.08.2025 reveals that charge has been framed against the petitioner and other co-accused persons on 10.06.2025 and case is fixed for prosecution evidence but till date out of 11 charge-sheeted witnesses, no any prosecution witnesses have been examined.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the petitioner is in custody since 12.12.2024 i.e. for almost one year.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



8. Considering the aforesaid facts and circumstances and the nature of allegation against the petitioner, report of the learned trial Court and the fact that similarly situated, co-accused persons have been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Session Judge-XIIIth, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 854 of 2023, subject to the following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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