

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54646 of 2025

Arising Out of PS. Case No.-192 Year-2025 Thana- NAUTAN District- West Champaran

1. Abhay Kumar @ Abhay Mahto S/o Ramashankar Prasad @ Ramashankar Mahto R/o Village - Dhumnagar Kachahari Tola, P.S - Nautan, District - West Champaran
2. Dropadi Devi @ Dropati Devi W/o Ramashankar Prasad @ Ramashankar Mahto R/o Village - Dhumnagar Kachahari Tola, P.S- Nautan, District - West Champaran
3. Aarti Devi @ Aarti Kumari W/o Abhay Kumar @ Abhay Mahto R/o Village - Dhumnagar Kachahari Tola, P.S- Nautan, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2025 1. Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 80 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that his daughter was married to Nirbhay Mahto in the year 2022 and out of the wedlock a child was born. Further, the accused persons used to torture the daughter of the informant for non-fulfillment of dowry demand and on 29.04.2025 his daughter was strangled to death. On coming to know about the occurrence,



the informant reached the place of occurrence and found the dead body of his daughter lying.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that informant is not an eyewitness to the occurrence. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant does not allege as to what was being demanded in dowry. It is also submitted that the dead body of the deceased was sent for postmortem and the Doctor opined the cause of death as asphyxia due to hanging.

5. Learned counsel appearing on behalf of the petitioners further submits that had the petitioners been involved in the occurrence in that event efforts would have been made to dispose of the dead body with a view to conceal the evidence but since the dead body was sent for postmortem, as such, no effort on part of the petitioners was made to conceal the evidence. It is next submitted that no doubt the deceased died within seven years of marriage and presumption in law is against the petitioners also being family members of the husband of the deceased but then all deaths are not dowry deaths. It is also submitted that whenever any occurrence of the nature as alleged takes place on account of dispute in between the husband and the wife, the entire family



members are implicated in a mechanical manner. It is submitted that petitioners are brother-in-law, mother-in-law and sister-in-law of the husband of the deceased. It is further submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Nautan P.S. Case No. 192 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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