

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56915 of 2025

Arising Out of PS. Case No.-7 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

Dharmu Mushar @ Dharmu Musahar S/o Late Subedar Musahar@Surendra
Mushar Resident of Village - Akhlaapur Takiya(Pokhara), Ward no. 11, P.S -
Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radheshym Musahar S/o Late Paras Masahar R/o Darra, P.S .- Adalhat, Dist.
- Mirzapur(U.P.)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pawan Kumar Singh
For the Opposite Party/s	:	Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-09-2025 Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Bhabhua P.S. Case no.7 of 2022, registered under sections 302, 498A and 304B of the Indian Penal Code.

3. As per the prosecution case, the informant states that his sister, who was married to the petitioner about five years ago, was abused and assaulted for non-fulfillment of the demand of Rs. 15,000/-. She was ultimately done to death.

4. It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 9.8.2024 (Annexure-1) passed in Cr. Misc. no.



38302 of 2024. On merits it is submitted that petitioner has been falsely implicated in the case. There is no eye witness to the occurrence and the allegations of demand of dowry etc. and torture by the accused persons including the petitioner are false and concocted. It is submitted that even the postmortem report does not support the allegation of assault with any weapon and from the FIR at best it can be said to be a case of accident in the midst of altercation between the husband and wife. Learned counsel further submits that inspite of the petitioner having remained in custody for more than 3 years since 29.3.2022 the trial is not proceeding and not a single witness has been examined on behalf of the prosecution.

5. The application for bail is opposed by learned APP for the State.

6. A report was called for from the learned trial Court. As per report received contained in letter dated 12.9.2025, though charge was framed in the case on 15.12.2022, not a single witness has been produced and examined by the prosecution and bailable warrant has been issued for their appearance.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in



the FIR, the petitioner having remained in custody for more than 3 years since 29.3.2022 and inspite of charge having been framed on 15.12.2022, not a single witness appearing on behalf of the prosecution inspite of issuance ofailable warrant, the Court directs the petitioner to be enlarged on bail in connection with Bhabhua P.S. Case no.7 of 2022 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Kaimur at Bhabua.

(Partha Sarthy, J)

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