

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57774 of 2025

Arising Out of PS. Case No.-83 Year-2025 Thana- BABUBARHI District- Madhubani

1. Jaleshwar Mandal S/o Late Badri Mandal Resident of village- Kulahariya, Parasa, P.S- Babubarhi, District- Madhubani
2. Kamlesh Mandal S/o Jaleshwar Mandal Resident of village- Kulahariya, Parasa, P.S- Babubarhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-09-2025 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 85, 103(1) and 3(5) of the B.N.S.

3. The learned counsel for the petitioners submits that the petitioner are persons with clean antecedent and petitioner no.1 is aged about 85 years and the informant alleges that his niece was married about an year back to Mithlesh. Further, on 08.03.2025 in the evening, his niece informed that her husband and other in-laws have quarreled and assaulted her. It is next alleged that on 09.03.2025 at about 9.30 P.M. he received an



information that his niece has died. Accordingly, he reached Parsa, but by then, all the accused fled from the house. Accordingly, the police was informed and thereafter the dead body was sent for post mortem.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case being father in-law and brother in-law of the deceased. It is next submitted that informant is not an eye witness to the occurrence. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that demand of dowry and torture is general and omnibus in nature. It is next submitted 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 evidence, but then, the dead body was lying in the house which amply demonstrates that petitioners were not involved in the occurrence. It is next submitted that whenever any dispute arises in between the husband and the wife and the occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general and omnibus allegation. It is also submitted that from perusal of the order impugned, it would manifest that the same records that at Para-30 of the case diary, the post mortem report is recorded



wherein it is stated that no external injury was found on the body of the deceased and final opinion with regard to cause of death has been deferred awaiting final FSL Report of viscera. It is again reiterated and submitted that had the petitioners been involved in the occurrence, in that event, all efforts would have been made to dispose of the dead body to conceal the evidence. It is also submitted that petitioner no.1 is 85 years of age and is a person clean antecedent and all of a sudden has been made a criminal. It is next submitted that petitioner no.2 resides separately from the husband of the deceased. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Md. Shuaib, the learned J.M., 1st Class, Madhubani in connection with Babubarhi P. S.



Case No.83 of 2025, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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