

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60687 of 2025

Arising Out of PS. Case No.-307 Year-2024 Thana- HARLAKHI District- Madhubani

Shyam Das @ Shyam Kumar Das S/o Late Basudeo Das @ Vasudeo Das R/o
Village- Hurrahi, P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. V.N.P Sinha, Sr. Advocate
Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 12-12-2025 Heard Mr. V.N.P. Sinha learned senior counsel for
the petitioner and learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 80, 3(5) of the BNS.

3. The allegation in the First Information Report is
that on account of non-fulfillment of demand of dowry of Rs.
15 lacs the petitioner and his family members had killed the
daughter of the informant.

4. Learned senior counsel appearing on behalf of the
petitioner submits that the petitioner no doubt is the husband of
the deceased, but as a matter of fact he has no role in causing
the death of the deceased. It is submitted that it is apparent from
the first information report itself that the deceased had died in



the hospital on 16.11.2024 during course of treatment and it is a fact which is supported by the materials collected during the course of investigation that it was the petitioner and his family who had taken the deceased for treatment to the hospital and had also informed the informant about the same. Learned Senior counsel has submitted that the story behind the death of the deceased is totally different inasmuch as the deceased was forced to marry with the petitioner against her will and it is on account of such frustration and desperation that she continued to have a relationship with the person with whom she was having a relationship prior to marriage which had resulted in some differences between the deceased and the petitioner. It would also appear from the materials collected during investigation, especially paragraphs 51 and 53 containing statement of independent witness and also of the spy, that the own family members of the deceased were also annoyed with her and the death of the deceased is either a case of honor killing or commission of suicide by the deceased by consuming poison. It has also been submitted that the post-mortem report does not indicate the cause of death and the viscera was preserved for being sent to FSL. However, in the absence of the said report, the charge sheet has been submitted



and the petitioner is in custody since 13.05. 2025 with clean antecedent.

Learned counsel appearing for the informant does not oppose the grant of bail to the petitioner and does not controvert the submissions made by learned senior counsel appearing for the petitioner. However, learned APP for the State opposes the prayer for bail of the petitioner.

Taking into consideration the facts and circumstances and also considering the fact that no cause of death has been indicated in the first information report and the materials collected during course of investigation indicate a story that the deceased being dissatisfied with the marriage with the petitioner, coupled with the fact that the petitioner is in custody since 13.05.2025 and the said facts have not been controverted by the learned counsel appearing for the informant, let the above named petitioner, be released on bail 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 Judicial Magistrate 1st Class, Benipatti, Madhubani in connection with Harlakhi P.S. Case No. 307 of 2024.

(Soni Shrivastava, J)

Prakash/-

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