

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66325 of 2025

Arising Out of PS. Case No.-144 Year-2023 Thana- ASHTHAWAN District- Nalanda

Awadesh Pandit @ Awadesh Kumar, aged about 32 years, male, S/o Birendra Pandit Resident of Village - Panchi, P.S - Shekhopursarai, District - Sheikhpura At present R/o Kurmidih, kali Mandir, Post - railway Colony, P.S - Balidih, District - Bokaro, State - Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Raj, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. Petitioner is in custody in a case registered for the offence punishable under Sections 498(A) and 304(B)/34 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that the informant married her daughter to the petitioner and after some years the petitioner and his family members started demanding dowry. A girl child is also born from the wedlock. It is alleged that on 13.02.2023 the informant's daughter committed suicide by hanging at Bokaro, Jharkhand. It is further alleged by the informant that his deceased daughter was killed by his son-in-law(petitioner) and not by hanging.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He next submits that informant has registered an U.D. case No.02 of 2023 at Balidih P.S. (Bokaro, Jharkhand) and in that case a final report along with post-mortem report is also enclosed by the police and in that post-mortem report it has clearly been mentioned that cause of death was due to Asphyxia by hanging. He next submits that in that U.D. case, the informant has not stated a single word against the petitioner regarding demand of dowry, torturing or misbehaving upon his deceased daughter. He next submits that the petitioner has fixed to give Rs.3000/- per month as a maintenance money to his daughter and entire gold ornaments of the deceased wife was also given to his daughter for her future use and all these things have been handed over to petitioner's mother-in-law over a written proof. He next submits that after taking all the things from the petitioner, the informant tried to lodge a false case after a long period of delay i.e. on 27.03.2023 before learned CJM and learned CJM has forwarded it for lodging FIR, which is registered as Asthawan P.S. Case No.144 of 2023 on 11.06.2023. He further submits that the Asthawan Police has submitted the final form as it is a mistake of law (Vidhi Ki



Bhul) since the main place of occurrence is Bokaro, Jharkhand and two case of same and similar nature cannot be lodged. He lastly submits that petitioner is in custody since 15.04.2025 and has got no criminal antecedents as stated in para-3 of the bail petition.

5. Learned APP for the State opposes the prayer for Regular bail of the petitioner.

6. On perusal of the First Information Report, impugned order dated 08.08.2025, it appears that the place of occurrence of the death of the deceased (informant's daughter) is of Balidih Bokaro, Jharkhand and the U.D Case No. 02 of 2023 has been registered by the Balidih P.S in which a final report has been submitted and the said case has been closed after which another case has been registered by the informant as Complaint Case No.285 c of 2023 later Asthawan P.S. Case No.144 of 2023, in which the final form has been submitted by the police as it is a mistake of law (vidhi ki bhul).

7. So considering all the aspects of the case, submission of learned counsel for the petitioner and materials available on record and also the fact that the police has submitted final form as mistake of law which is very surprising for this Court and inspite of this fact, the petitioner has not



granted bail by the learned Trial Court and no order has been passed regarding accepting of final form or rejecting the same and accordingly taking cognizance and issuing process, if required by the learned Trial Court, let the above named petitioner be released on bail, on his furnishing personal bonds of Rs.10,000/-(Ten thousand) without any sureties to the learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Asthawan P.S. Case No. 144 of 2023.

(Ramesh Chand Malviya, J)

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