

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80249 of 2024

Arising Out of PS. Case No.-368 Year-2021 Thana- MAKHDUMPUR District- Jehanabad

Awadhesh Kumar, Son of Late Jaykisun Mahto, Resident of Village- Bela
Rampur, PS- Makhdumpur, Distt.- Jehanabad. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Neeraj, Advocate
For the Opposite Party/s : Mr.Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 30-07-2025 Heard learned counsel appearing on behalf
of the petitioner and learned APP appearing on behalf
of the State.

2. The petitioner seeks bail in connection with
S.T. No. 227/22 arising out of Makhdumpur P.S. Case
No. 368 of 2021 registered for the offence under
Sections 302, 201, 498(A)/34 of the Indian Penal Code
and Section 3/4 of the D.P. Act.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 30.08.2024.

4. The allegation against petitioner is to
commit murder of his wife aged about 42 years.

5. Learned Counsel appearing on behalf of the
petitioner submitted that out of domestic violence, the
wife of petitioner committed suicide in Jamuna river. In
support of his submission, he took shelter of



postmortem report, where cause of death categorically mentioned as **“Cardio Respiratory failure due to Asphyxiation because of drowning in water”**. It is also pointed out that no external injuries were found upon deceased, suggesting *prima facie* that she was not assaulted physically soon before the occurrence. It is further submitted that nothing transpired during investigation, which may suggest that the act of petitioner was so active or direct which forced his wife to commit suicide. It is submitted that admittedly dead body was recovered from an open place and not from the matrimonial house of the petitioner. While concluding the argument, it is submitted that the petitioner is a man of clean antecedent and moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid facts and circumstances and by taking note of *postmortem* report, where cause of death appears drowning, coupled with the fact that charge-sheet has already submitted, where petitioner remains in custody since 30.08.2024, accordingly, petitioner above named, is



directed to be released on bail in connection with S.T. No. 227/22 arising out of Makhdumpur P.S. Case No. 368 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 3rd, Jehanabad/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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