

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78497 of 2025

Arising Out of PS. Case No.-529 Year-2024 Thana- DHANARUA District- Patna

Mahabir Prasad @ Mahavir Prasad @ Sahajanand @ Sachitanand Prasad @
Sahajanand Prasad S/o Late Surajdeo Singh R/o Village - Milki Par Nanauri,
P.S - Dhanarua, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 08-12-2025 1-By means of this bail application, petitioner, who is involved in connection with Dhanarua P.S. Case No. 529 of 2024 registered for the offences punishable under Sections 80(2)/3(5) of the Bhartiya Nyaya Sanhita, 2023 seeks enlargement on bail during the pendency of trial.

2-Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3- Brief facts of the case which are required to be stated are that the informant who is father of the deceased- Khushali Kumari lodged an F.I.R. against Harikant Kumar, Ravikant Kumar, Mahavir Prasad @ Sachitanand Prasad and Kiran Devi who are husband, elder brother-in-law (*Jeth*), father-in-law (petitioner) and mother-in-law of the deceased respectively stating *inter alia* that marriage of his daughter



Khushali Kumari was solemnized with Harikant Kumar in the month of February, 2024 but his daughter was being harassed in her matrimonial home for demand of rupees six lakhs. On 07.09.2024 at about 03:00 p.m., his daughter was beaten with belt by all the accused persons whereby she got injured and died.

4. It is argued by learned counsel for the petitioner, that the petitioner has been falsely implicated in this case. The general and omnibus allegations of harassment of deceased and demand of dowry have been levelled against the petitioner and other family members. It is also pointed out that after the unfortunate incident, information was immediately given to the parents of the deceased. On the said information, they reached to the house of petitioner but they in order to settle his personal score got the F.I.R. lodged on the false and concocted allegations. Referring to the observations made by the learned Additional Sessions Judge, II, Masaurhi, Patna in bail rejection order dated 17.09.2025 (Bail Petition No. 216/2025), it is pointed out that cause of death of the deceased was Asphyxia as a result of *anti-mortem* ligature hanging. Much emphasis has been given by contending that except the ligature mark, no injury was found on the body of the deceased and she was not



done to death as alleged by the prosecution. The petitioner, has no criminal history. Lastly, it is submitted that petitioner is languishing in jail since 16.05.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5-Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner reiterating the prosecution case as mentioned in F.I.R.

6-Having heard the submissions of learned counsel for the parties and perused the record, I find that the petitioner is father-in-law and in the F.I.R., no specific allegation of demand of dowry has been levelled against the petitioner. Cause of death of the deceased is hanging. There is no dispute that the parameters for considering the bail of accused pending trial and conviction or acquittal of accused after adducing evidences by both the parties before the trial Court are different. Investigation has been completed and charge-sheet has been submitted against the petitioner. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date



there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7-In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner is liable to be released on bail.

8-Accordingly, the bail application of the petitioner stands allowed.

9-Let the petitioner-Mahabir Prasad, be released on bail in the aforesaid case on furnishing a personal bond of Rs. 10,000/- (Rupees Ten Thousand) and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10-In case of breach of above conditions by the



petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11-It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12-The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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