

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2134 of 2025

Arising Out of PS. Case No.-181 Year-2024 Thana- CHHAURADANO District- East
Champaran

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Arsad Alam @ Arsad Ali S/o Late Irsad Alam @ Irsad Ahamad R/o Village-
Semrahiya, P.S.- Chhauradano, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 11-08-2025 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

Chhauradano P.S. Case No. 181 of 2024 registered for the

offences under Sections 80 and 3(5) of the Bharatiya Nyaya

Sanhita.

3. The petitioner is named in the F.I.R. and is in

custody since 27.07.2024.

4. The allegation against the petitioner is to cause

death of daughter of the informant, who is none but the wife

and mother of three childrens due to non-fulfillment of

demand of dowry as raised for cash of Rs. 5 lakhs and also for



one four-wheeler vehicle.

5. Learned counsel appearing on behalf of the petitioner submitted that being a short temper lady and out of routine domestic dispute, wife of petitioner committed suicide by consuming poison, which was given colour of dowry death as an afterthought, where in actual the present occurrence took place after 8 years of the marriage. It is submitted that upon post-mortem no sign of physical violence was noticed upon body of deceased, therefore, it can be safely gathered that she was not assaulted physically soon before the occurrence. It is also pointed out that nothing transpires during the course of investigation, which may suggest prima-facie that act of petitioner was so direct or active, which may forced his wife to commit suicide without leaving any other option. While concluding the argument it is submitted that charge in this matter was framed long back and despite of more than one year of custody, not even a single prosecution witness was examined by the trial court and certainly petitioner cannot be put behind the bars for indefinite period of time in want of trial.



6. Learned APP duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer for bail submitted that specific allegation is available against petitioner being husband, but could not dispute the factual submissions as advanced aforesaid

7. From the perusal of forensic report, it appears that viscera was found with “**thimet**” a pesticide used for preserving grains.

8. In view of aforesaid factual submissions and by taking note of fact as prima-facie no sign of physical violence was noticed upon deceased, coupled with the fact as petitioner remains in custody since 27.07.2024, where not even single prosecution witness appears to be examined making conclusion of trial a remote aspect, accordingly above named petitioner, is directed to be released on bail in connection with Chhauradano P.S. Case No. 181 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-2, East Champaran, Motihari/concerned court, subject to the



conditions as mentioned under Section 480(3) of the B.N.S.S.
with further conditions:-

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) If petitioner makes any attempt to delay the trial, State/informant may press petition before the learned Trial Court for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

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