

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.979 of 2025

Arising Out of PS. Case No.-451 Year-2024 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Pusp Raj @ Sheru S/o Chandrashekhar Upadhyay Resident of Village- Garib
Asthan, Ward No 21, P.S- Town, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Adv.
For the Opposite Party/s : Mr.Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Town P.S. Case No. 451 of 2024, registered for the offences under Section 80, 61(2), 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, the daughter of the informant was married with the petitioner in the year 2017. There is allegation against the petitioner and other co-accused persons of torturing the daughter of the informant and demanding Rs. 5 lakh in dowry. Lastly, on 14.07.2024 the petitioner and co-accused persons killed and hanged the daughter of the informant to give it the shape of suicide.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. Death has not occurred within seven years of marriage and there could no application of Section 80 of the Bharatiya Nyaya Sanhita. The petitioner has two children from the wedlock and they are aged about 6 years and 1 ½ years. This shows the petitioner was having a happy married life with the deceased. The parents of the petitioner are quite old and suffering from various ailments and they were not in a position to interfere with the married life of the petitioner and the deceased. On the date of occurrence, the petitioner was not even present at his house and he had gone to attend the function of marriage anniversary of his sister. Neither the petitioner nor the co-accused persons demanded any dowry and they have not tortured the deceased. The police investigated the matter and submitted charge sheet under Section 108 of the B.N.S. against the petitioner and the police did not send up other co-accused persons for facing trial. The petitioner never demanded any dowry and never instigated his wife to commit suicide or facilitated her desperate act in any manner. The petitioner did not make any abatement. There is no material to show the



involvement of the petitioner in the alleged occurrence. The petitioner has got no criminal antecedent and is in custody since 05.09.2024 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that there is specific allegation against the petitioner who is husband of the deceased for causing her dowry death.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that the police after investigation found the case true against the petitioner only under Section 108 of the B.N.S. and further considering submission of charge sheet and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur/concerned court, in connection with Town P.S. Case No. 451 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on



each and every date fixed by the court
below, if so required by the learned trial
court.

(iii) In case of absence on three
consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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