

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1753 of 2026

Arising Out of PS. Case No.-70 Year-2024 Thana- PIYAR District- Muzaffarpur

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Dharmnath Kumar @ Lalu Son of Late Vikahri Ray @ Bhikhari Ray
Residence of village - Bishunpura, Mehshi, P.S.- Piyar, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 12-05-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 304(B) and 34 of the Indian Penal Code which was earlier rejected vide order dated 16.12.2024 passed in Cr. Misc. No. 65942 of 2024.

3. The case of the prosecution is that the petitioner was married to one Rakhi kumari. It is further alleged that she was subjected to cruelty on account of non fulfillment of dowry demand of Rs. 1 lakh. On 26.03.2024, the deceased called the informant and told that her in-laws are assaulting her. At 5 P.M., they received information from a villager that the deceased has been killed.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that in this case, after investigation, police has submitted charge sheet under section 306 of the IPC but learned trial court has taken cognizance under section 304(B) of IPC. It has further been submitted that cognizance is not material for consideration of bail. He has further submitted that during course of investigation, the postmortem of the deceased was conducted and from perusal of postmortem report, it will transpire that following ante-mortem injury was found on the person of the deceased :- Ligature mark- 2 ½ to 3 ½ cm width was present over upper part of neck between thyroid cartilage and chin. It was oblique, running upward and backward encircling all around neck except left lateral side of neck where it was discontinued. The doctor has opined that the cause of death was due to asphyxia as a result of ante-mortem hanging. Learned counsel for the petitioner has submitted that the deceased has committed suicide. Moreover, the petitioner is languishing in judicial custody since 15.04.2024 and he is having no criminal antecedent.

5. In this case, stage of trial was called for from the learned trial court and according to the report of the learned trial court, it transpires that the trial has not yet commenced and no witness has been examined.



6. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Piya P.S. Case No. 70 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court No. 1 of J.M. 1st Class, East, Muzaffarpur.

(Ashok Kumar Pandey, J)

Shubham/-
Rohit/-

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