

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12120 of 2026**

Arising Out of PS. Case No.-504 Year-2024 Thana- SUGAULI District- East Champaran

Kundan Mahato @ Kundan Kumar Son of Laxman Mahato Resident of
Village- Gopalpur, P.S.- Sugauli, District- East Champaran Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tuhin Shankar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-02-2026 Heard Mr. Tuhin Shankar, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is apprehending arrest in connection with Sugauli P.S. Case No. 504 of 2024 instituted under Sections 103(1), 238, 3(5) of the Bhartiya Nayay Sanhita, 2023 lodged on 15.11.2024 by the informant, Sunaina Devi.

3. As per the prosecution story, the informant alleged that her daughter was married to Dharmendra Mahto but she was always tortured for dowry and on the fateful day, she made a call to son-in-law but was switched off. When he went to the house, the daughter was not present. On query, she was informed that she has fled away. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is brother-in-law (Dewar), a student only 22 years age and was living separately from the couple and has no role to play in the alleged act of the husband. The petitioner do not have criminal



antecedent and with the help of Annexure-P/2 his submission is that mother-in-law and father-in-law as also one of the brother of the petitioner have been extended relief by a coordinate bench on 08.01.2026. The submission is that to his knowledge, the husband is in custody.

5. Learned APP opposes the prayer submitting that he being the part and parcel of the family cannot escape the allegation made therein.

6. Considering the submissions of the parties as also the petitioner is brother-in-law (Dewar), as recorded above, he is a student having no criminal antecedent, others family members have been extended relief, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Sugauli P.S. Case No. 504 of 2024 to the satisfaction of learned Judicial Magistrate-1st Class, East Champaran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) the petitioner shall be appearing before the police station as and when required for cooperating in the investigation;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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