

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23663 of 2025

Arising Out of PS. Case No.-500 Year-2023 Thana- PUPRI District- Sitamarhi

Radhe Mahto S/o- Shital Mahto Village- Belmohan Ps- Pupri Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Uday Kumar, Advocate
For the State	:	Mr. Md. Ataur Rahman, APP
For the Informant	:	Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 16-01-2026 Heard learned counsel for the petitioner, learned APP
for the State as well as learned counsel appearing on behalf of
the informant.

2. Petitioner seeks bail in a case registered for the
offences punishable under Sections 304B, 201 and 34 of the
Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and being husband
has been falsely implicated in the instant case by the informant
and is in custody since 12.09.2024. It is next submitted that
informant alleges that his sister was married to the petitioner on
31.05.2023 and after marriage, the petitioner along with his
family members were torturing the victim for non-fulfillment of
demand of Rs.5,00,000/- by way of dowry. It is next alleged that



on 18.11.2023, the petitioner called the informant on his mobile number 7255070741 from his mobile number 6309102282 and disclosed that his sister has been killed and her dead body has been cremated. Accordingly, the informant along with his other family members went to the place of occurrence and came to know that petitioner and his family members have killed his sister and the dead body was cremated with a view to conceal the evidence regarding the cause of death. It is also alleged that they came to know that the victim was strangled to death.

4. Learned counsel for the petitioner submits that petitioner being husband has been falsely implicated. It is next submitted that from perusal of the allegations, as alleged in the FIR, it would manifest that the same does not inspire confidence for the reason that it does not appear probable that petitioner on 18.11.2023 would have called the informant from his mobile informing that he has killed his sister and the dead body has been cremated. It is also submitted that had the petitioner or his family members killed the deceased, in that event, they would not have informed the informant. It is next submitted that the date of occurrence is 18.11.2023 and the FIR was instituted on 20.11.2023. It is further submitted that the informant on coming to know that his sister died a natural death, the informant along



with his family members came on 18.11.2023 and participated in the cremation and thereafter by way of afterthought the instant FIR came to be instituted on 20.11.2023.

5. the learned APP and the learned counsel appearing on behalf of the informant oppose the bail application and submit that what is not in dispute rather stands admitted is that victim died within seven years of marriage and in law the presumption is against the husband and his family members. It is also submitted that had the dead body been sent for post-mortem, the cause of death would have been ascertained but then the body was cremated and the same was done with an intent to conceal the evidence regarding cause of death. It is also submitted that informant and his family members did not participate in the cremation of the deceased.

6. At this stage, the learned counsel appearing on behalf of the petitioner reiterates and submits that it absolutely does not stand to reason that petitioner would have called the informant disclosing that he has killed his sister and thereafter the body has been cremated, it is submitted that this amply demonstrates that the said allegation has been alleged only to give seriousness to the case when informant on coming to know about the death of his sister participated in the funeral along



with his other family members.

7. At this stage, the learned counsel appearing on behalf of the informant submits that charges in the case has been framed and the trial is to commence.

8. After hearing learned counsel for the parties, the Court is not inclined to extend the privilege of bail to the petitioner at this stage. Accordingly, the prayer for grant of bail to the petitioner is hereby rejected in connection with Pupri P.S. Case No.500 of 2023, pending in the court of learned S.D.J.M., Pupri at Sitamarhi.

(Satyavrat Verma, J)

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