

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35249 of 2026

Arising Out of PS. Case No.-108 Year-2025 Thana- AZIMABAD District- Bhojpur

Sri Om Gupta Son of Late Chandra Bhushan Gupta Resident of Village -
Megharia, P.S.- Azimabad, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL

ORAL ORDER

3 26-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Azimabad P.S. Case No. 108 of 2025, registered under Sections
103, 80(2), 238, 61(2), 3(5) of the Indian Penal Code.

3. As per prosecution case, the allegation against the
petitioner is of killing his wife due to non-fulfillment of demand
of dowry on 15.12.2025. The F.I.R. records reveals that the
information regarding the occurrence was given by the
petitioner himself to the family of the informant. The allegation
is that without arrival of the family members of the deceased,
she was burnt. The postmortem could not be conducted that the
sample sent for DNA analysis was returned untested due to
insufficiency of material.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Counsel for the petitioner further brought on record the treatment which is being undergone by the petitioner. The letter of Superintendent, Ara Jail shows that he is known case of kidney disease suffering with insomnia, sugar fluctuation and he needs to be referred to PMCH, Patna. He goes under treatment at Delhi AIIMS. The six members Medical Board had recommended to send him to Patna. The petitioner has clean antecedent and he is in custody since 17.12.2025.

5. Learned APP for the State has vehemently opposes the prayer for bail of the petitioner.

6. The counsel for the informant says that though the information regarding death was provided to them but they could not reach and the dead body was disposed of which shows malafide intent of the prosecution in defence side.

7. It is undisputed that the deceased died unnatural death in her matrimonial home within seven years of marriage. However, the act of the accused himself informing the family members of the deceased as well. Moreover, the I.O. of the case was asked to appear virtually, he appeared and he stated that after coming to know about lodging of the case the petitioner himself came to the police station and surrendered himself.



8. Considering that the petitioner informed the family members as well as the fact that he presented himself for prosecution and also seeing his precarious medical condition, this bail application is allowed.

9. Accordingly, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Bhojpur at Ara/concerned court below in connection with Azimabad P.S. Case No. 108 of 2025.

10. It is made clear that any observation made herein is prima facie in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Ansul, J)

Ranjeet/-

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