IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37487 of 2026

CNR No. BRHC010542262026

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

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Dharmendra Mahto S/o Laxman Mahto Resident of Village- Gopalpur, P.S.- Sugauli, District - East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Tuhin Shankar, Advocate
Mr. Aryan Raj, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

8 04-11-2026 Heard Mr. Tuhin Shankar, learned counsel for the petitioner and Mrs. Renu Kumari, learned APP for the State and perused the case diary.

2. Learned counsel for the petitioner is permitted to add date of custody in paragraph no. 4 of the bail application during course of day.

3. The petitioner seeks bail in connection with Sugauli P.S. Case No. 504 of 2024, instituted for the offences punishable under Sections 103(1), 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

4. The prosecution case, in short, is that the informant’s daughter, who was married to the petitioner, was

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allegedly subjected to dowry-related torture and demands for an Apache motorcycle and a gold chain. It is further alleged that upon non-fulfilment of the demands, she was threatened with death and subsequently went missing from her matrimonial home, whereupon the accused persons claimed that she had fled away.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that the petitioner is the husband of informant’s daughter. No specific allegation has been attributed against the petitioner rather the same is general and omnibus in nature. It is next submitted that previously, the informant’s daughter has also disappeared and later on she returned after hectic effort on the part of the petitioner. It is further submitted that without any recovery of dead body, the petitioner has been implicated in a murder case. The petitioner is in custody since 19.08.2025 and has got no criminal antecedent.

6. In compliance of the order dated 28.09.2026, a report dated 05.10.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it

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appears that out of nine prosecution witnesses, only four witnesses have been examined in this case. It is further reported that the trial is likely to be concluded within one year.

7. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that the petitioner is named in the FIR and specific allegation has been attributed against him. Learned APP for the State has relied upon a decision of the Hon'ble Apex Court reported in ***2024 SCC OnLine SC 3539 (X. vs. State of Rajasthan & Anr.),*** wherein in paragraph no. 14, the Hon'ble Apex Court has held as under:

> *"14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court, be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused."*

8. Considering the aforesaid facts and circumstances of the case, present stage of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

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9. The prayer is rejected. The trial Court is directed to expedite the Trial and conclude the same preferably within a period of five months. However, if the trial is not concluded within a period of five months from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the learned Court below.

(Rudra Prakash Mishra, J)

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