

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61513 of 2025

Arising Out of PS. Case No.-57 Year-2024 Thana- Bijdhari District- East Champaran

Vivek kumar @ Vivek kumar ram Son of Ramakant ram Resident of Village -
Lala Chhapara, P.S. - Kesariya(Bijdhari), Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 19-03-2026

Heard Mr. Abhishek Kumar, learned counsel for the petitioner as well as Mr. Harendra Prasad, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 19.05.2025 in connection with Bijdhari P.S. Case No. 57 of 2024, F.I.R. dated 16.12.2024 for the offences punishable under Sections 80 and 3(5) of the Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant alleged that the petitioner along with other co-accused person killed his daughter, namely, Nishu Kumari (now, deceased) due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that he is husband of the deceased. He further submits that the allegation as alleged in the



F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. Although the petitioner is named in the FIR but from bare perusal of the FIR it appears that there is no specific allegation of assault or overt act or demand of dowry attributed against him rather there is general and omnibus allegation against all the accused persons including the petitioner. Infact the deceased has committed suicide herself supported by the post-mortem report and apart from that no external and internal injury was found on the body of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.05.2025. The opinion of the doctor is quoted hereinbelow:-

“In my opinion the cause of death is asphyxia due to hanging.

Caused by:-Ligature material”

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner but fairly submits that it come during investigation which is recorded in paragraph nos. 19 and 20 of the case diary that independent witnesses have stated that the deceased has committed suicide herself.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail



bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Bijdhari P.S. Case No. 57 of 2024, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Suruchi/-

U		T	
---	--	---	--



