

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.70796 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- BAHERA District- Darbhanga

Mukund Jha S/O Gopal Ji Jha Resident of Amethi, P.S- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

3 10-02-2026 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 80, 3(5) and 61(2) of the Bharatiya Nayay Sanhita.

3. As per the prosecution case, the petitioner along with others are said to have demanded dowry from the informant's daughter and due to non-fulfillment of the same, they tortured and killed her.

4. The learned counsel for the petitioner submits that it would be evident from the First Information Report that it was the petitioner himself who had informed the informant on phone that his daughter has died and never made any attempt to dispose of the dead body. It has also been submitted that there had been no previous complaint of any dowry demand prior to the incident as a matter of fact, petitioner was in Darbhanga for a marriage ceremony and he was totally unaware of the incident. Further, the



petitioner is in custody since 21.02.2025 with no criminal antecedent.

5. Learned APP for the State opposed the grant of bail on the ground that the petitioner is husband of the deceased whose throat has been slit and the witnesses in paragraph nos.5, 6 and 7 of the case diary, have supported the case along with *postmortem* report.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the deceased has been killed by slitting her throat which has been supported by the medical evidence and the dead body was at the house of the petitioner, as such, Section 113B of the Evidence Act comes into play and on such grounds, this Court is not inclined to grant the privilege of bail to the petitioner, who is husband of the deceased. Accordingly, the prayer of bail of the petitioner is hereby rejected in connection with Bahera P.S. Case No.78 of 2025.

7. However, the learned Court concerned is directed to proceed with the trial after framing of charge, in case, charges have not been framed, expeditiously.

(Soni Shrivastava, J)

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