

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89020 of 2025

Arising Out of PS. Case No.-200 Year-2025 Thana- Kadirganj P.S. District- Nawada

Chhotu Kumar @ Kunal Kumar Son of Manoj Singh Resident of Vill.-
Loharpura, Sadipur, P.S. and Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.M. Ashraf, Sr. Advocate Mr. Ejaz Akhtar, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Binod Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 03-04-2026 1. Heard learned Senior counsel for the petitioners, Mr. SM Ashraf, learned A.P.P. for the State, Mr. Chandra Bhushan Prasad and the learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 85, 80, 238 and 3(5) of the BNS, 2023.
3. The Superintendent of Police, Nawada in compliance of the order dated 18.03.2026 is present in the Court along with the Station House Officer-cum-Investigating Officer.
4. Learned Senior counsel appearing on behalf of the petitioner submits that petitioner is a person with clean antecedent and is in custody since 07.07.2025 and the informant



alleges that her daughter was married to Kundan on 18-4-2024, next alleges that her daughter informed on mobile that her in-laws including the husband are demanding dowry of Rs. 5 lakhs and a motorcycle and for nonfulfillment of the demand, she is tortured, further on 3-7-2025 in between 7-8 AM, the informant contacted the petitioner (brother-in-law of the deceased) when he informed that he is not at home, thereafter on 4-7-2025, the informant's son-in-law informed that her daughter has left the house and is not traceable.

5. Learned Senior counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that entire allegation hinges around suspicion. It is also submitted that though in the FIR, it is alleged that the victim was being tortured for non-fulfillment of dowry demand, but then the allegations do not satisfy the requirements of the offence in terms of Section 80 of the BNS, as the case subsequently was made out, it is next submitted that husband of the victim was left by the police on PR Bond.

6. The Superintendent of Police, Nawada along with the SHO-cum-Investigating Officer were directed to remain



physically present before this Court to explain that on what basis the husband of the victim was left on PR Bond while the instant petitioner who is brother-in-law of the deceased was arrested.

7. The Superintendent of Police, Nawada submits that the date of occurrence is 04.07.2025 and the dead body of the deceased was recovered on 05.07.2025 based on the confessional statement of the instant petitioner and the body was in such a mutilated condition that in the postmortem also, the doctors were not able to come to a clear conclusion that what was the reason for the cause of death.

8. At this stage, the learned Senior counsel appearing on behalf of the petitioner interjects and submits that the statement of the petitioner was recorded under Section 180 BNSS and based on the said statement, it is being submitted by the Superintendent of Police, Nawada that the dead body was recovered, but then it is submitted that petitioner was made to sign his confessional statement which is barred by Section 181 BNSS. It is next submitted that since the confession itself is an illegality, hence the said confessional statement cannot be relied upon while considering the regular bail application of the petitioner.



9. The learned Senior counsel for the petitioner also submits that no doubt allegation is of demand of dowry, but then the ingredients of Section 80 of the BNS is not attracted in the nature of allegations as alleged in the FIR, on which the learned APP for the State, Mr. Chandra Bhushan Prasad interjects and submits that what is not in dispute rather stands admitted is that dead body of the victim was recovered and the same was recovered based on the confessional statement of the petitioner and the marriage of the victim with Kundan was performed on 18.04.2024 and the date of occurrence is 04.07.2025, as such the victim was killed within 15 months of marriage, as such, in law presumption is against the husband and his family members. It is also submitted that it appears that the victim was brutally murdered and thereafter her dead body was buried and the same was exhumed by the police at the instance of the petitioner and the body was in such a mutilated condition that even the doctors were not able to satisfy themselves that as to what was the reason for the cause of death.

10. The Superintendent of Police, who is present in the Court, submits that he will ensure that the trial is expedited and sincere efforts would be made to ensure that all the official witnesses appear before the Court as and when required.



11. After hearing the learned counsel for the parties,
the Court is not inclined to release the petitioner on bail.

12. **Accordingly, the instant bail application stands
rejected.**

13. The personal appearance of the Superintendent of
Police, Nawada and the SHO-cum-Investigating Officer of the
case is dispensed with.

(Satyavrat Verma, J)

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