

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86618 of 2025

Arising Out of PS. Case No.-30 Year-2024 Thana- Mohanpur District- Purnia

Gulshan Kumar @ Gulsan Mahto S/o Barun Mahto R/o Village- Shanti
Nagar, Nakdehari, Ward No.02, P.S- Mohanpur, Dist- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-02-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Sri Rabindra Kumar.

2. The petitioner seeks bail in connection with
Mohanpur P.S. Case No. 30 of 2024 registered for the offences
punishable under Sections 304(B) and 34 of the Indian Penal
Code read with Section 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and is in custody
since 5-2-2025 and the informant alleges that his daughter was
married to petitioner about an year ago and was pregnant, next
alleges that on 12.05.2024 at 11 am, he received an information
that his daughter was killed by the accused persons including
the petitioner, accordingly he reached the place of occurrence
and also informed the police and accordingly the dead body was
taken to the hospital for postmortem.



4. Learned counsel for the petitioner submits that petitioner, being husband, has been falsely implicated in the instant case. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that allegation of demand of dowry and torture is general and omnibus in nature. It is further submitted that informant is not an eye witness to the occurrence. It is also submitted that had the petitioner been involved in the occurrence, in that event, efforts would have been made to dispose of the dead body with a view to conceal evidence, but then the dead body was sent for postmortem and postmortem report records that the cause of death as asphyxia on account of hanging, it is thus submitted that the deceased committed suicide. It is next submitted that no doubt the death took place within seven years of marriage, but then all deaths are not dowry deaths and the petitioner was in Punjab when death occurred.

5. Learned A.P.P., Sri Rabindra Kumar vehemently opposes the prayer for bail of the petitioner and submits what is not in dispute rather stands admitted is that daughter of the informant died within seven years of marriage and in law also presumption is against the husband and his family members. It is next submitted that whether the petitioner was present at the place of occurrence or was at Punjab at the time when the



occurrence is alleged to have taken place, is an aspect to be adjudicated in the trial. It is also submitted no doubt the postmortem report records that victim died on account of asphyxia on account of hanging as such she committed suicide, as is being submitted by the learned counsel appearing on behalf of the petitioner, but then if the victim committed suicide that amply demonstrates that petitioner being husband created conditions conducive for the victim to take extreme steps of ending her life.

6. On query of the court with regard to the stage of the case, the the learned counsel appearing on behalf of the petitioner submits that trial has commenced and three witnesses have been examined and they have turned hostile, on which the learned APP submits that trial has commenced, as such the petitioner be not released on bail, since trial is continuing.

7. Considering the submission made by learned APP, the Court is not inclined to release the petitioner on bail.

8. Accordingly, the prayer for bail of the petitioner is rejected.

(Satyavrat Verma, J)

Sumit/-

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

