

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89904 of 2025

Arising Out of PS. Case No.-322 Year-2025 Thana- GRIYAK District- Nalanda

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Dharmendra Modi @ Dharmendra Kumar @ Dharmendra Kumar Modi @
Dhamendra Kumar @ Dhamendra Modi S/o Late Saukhi Mahto Resident of
Vill. - Dashrathpur, P.S. - Giriyak (Pawapuri), Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 10-02-2026 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 108, 352, 351(2), 79 and 3(5) of the B.N.S., 2023.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that he received an information on 18.07.2025, at 05.00 p.m., that some persons have consumed poison in an orchard near Kali temple, accordingly, he reached the place of occurrence and saw that five persons have consumed poison and the villagers have taken the injured to the hospital. Further, at the place of occurrence, Satyam Kumar, a 10 year old boy was also found, who was brought to the police station and he disclosed that the persons,



who consumed poison, are his family members. Further, the S.H.O. came and recorded the statement of the injured Soni Devi in his mobile at the hospital, who stated that they have a cloth shop and for starting the shop, they had taken loan of Rs.3 lakhs from Ajay Kumar and Rs.2 lakhs from Dharmendra Modi (petitioner). Further, the priest of Kali temple had introduced them to Ajay Kumar and Dharmendra Modi and for the last one month, Ajay Kumar and Dharmendra Modi used to come to her house and used to abuse and torture them. Further, the priest had brought them to Pawapuri and got them implicated and also disclosed that her elder brother-in-law Ghanshyam Prasad got their land registered in the name of his wife and his daughter-in-law, hence, out of frustration, the family consumed poison. Further, two minor girls died during the course of treatment.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case based on the statement of Soni Devi. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that in sum and substance, the allegation against the petitioner is that he was introduced to the family by the priest of Kali temple based on which he had given a loan of an amount of Rs.2 lakhs and since the amount was not being returned, thus, it is alleged that petitioner along with Ajay Kumar used to torture the



family. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that Soni Devi also disclosed that her elder brother-in-law Ghanshyam Prasad got their land registered in the name of his wife and his daughter-in-law and, thus, out of the frustration the family committed suicide. It is also submitted that it might be a possibility that on account of dispute in the family, the occurrence took place and the petitioner and Ajay Kumar came to be implicated for the reason that they had initially given loan to the family for starting the cloth business. It is further submitted that even presuming what has been alleged is true without admitting then at best the allegation is that petitioner and Ajay Kumar were asking for their money which they had loaned but then the allegation of torture and abuse is exaggerated. It is reiterated and submitted that on account of land dispute in the family, the family committed suicide. It is next submitted that petitioner is in custody since 24.07.2025.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant vehemently opposed the prayer for regular bail of the petitioner.

6. Learned counsel appearing on behalf of the informant submits that petitioner might not have committed the occurrence but then allegation is of abetment as Soni Devi specifically stated that petitioner along with Ajay Kumar used to come to their house



for seeking the loan amount and since they were not in a position to return the amount as such they tortured and abused which created condition conducive for committing the occurrence of suicide, coupled with the fact that Ghanshyam Prasad also cheated them.

7. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court, for the present, is not inclined to release the petitioner on bail in connection with Giriyak P.S. Case No. 322 of 2025 pending in the Court of learned Additional Sessions Judge-IV-cum-Exclusive Special Judge (POCSO), Nalanda at Bihar Sharif/Successor Court.

8. Hence, the prayer for bail is rejected.

9. However, the petitioner would be at liberty to renew his prayer for bail after framing of charge.

(Satyavrat Verma, J)

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