

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89931 of 2025**

Arising Out of PS. Case No.-71 Year-2024 Thana- ASHOK PAPER MILL District-
Darbhanga

Avinash Mahtha S/O Om Prakash Mahtha R/O Village- Balha, P.S- Ashok
Paper Mill, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Sr. Adv.
Mr.Utsav, Adv.
For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-02-2026 Heard learned senior counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner seeks bail in
connection with Ashok Paper Mill P.S. Case No. 71 of 2024,
registered for the offences under Sections 304B and Section 34
of the IPC.

3. As per the prosecution case, the daughter of the
informant was married with the petitioner on 26.04.2024. The
allegation against the petitioner is that he and other coaccused
persons used to demand Rs. 25,00,000/- from the informant and
on non-fulfillment of the demand, killed the daughter of the
informant.

4. Learned senior counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. No occurrence in the manner as alleged has ever taken place. Over a very petty issue, the daughter of the informant committed suicide. There is no complaint or any other material to show harassment or cruelty in the hand of petitioner or other coaccused persons for compelling the deceased in meeting the demand. There is not even any material to show that any demand was made and any complaint towards this end was made by the informant or any of his family members. Further there is no instigation on part of the petitioner or other coaccused persons for compelling the daughter of the informant to commit suicide. Therefore there is complete lack of ingredients of application of Section 304B of the IPC or Section 34 of the IPC. Learned counsel further submits that charges have been framed under Section 304B and Section 34 of the IPC and the petitioner remained in custody since 21.08.2025. Learned counsel reiterates that after the marriage the petitioner and his deceased wife have been leading a peaceful, cordial and harmonious life and there was no dispute, discord or allegation of cruelty or dowry demand at any point of time during their married life. The post mortem report also shows no external sign of any injury or assault. The only injury which was found on the



person of the deceased was over the neck region which shows death occurred due to suicide and it was not strangulation or any forced hanging. The petitioner has no criminal antecedent.

5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the daughter of the informant died within a month of her marriage and the burden is on the petitioner to show that death was not caused on account of demand of dowry.

6. Though the *vakalatnama* has been filed on behalf of the informant there is no representation on behalf of the informant. It is pertinent to mention here that when this matter was listed yesterday, pass over was given so as to enable the learned counsel for the informant to appear in this case but even then no one has appeared on behalf of the informant.

7. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the nature of material available against the petitioner and also considering framing of charge in this case and further considering his period of custody, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned ACJM-IX,



Darbhanga/concerned court, in connection with Ashok Paper Mill P.S. Case No. 71 of 2024, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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