

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91460 of 2025

Arising Out of PS. Case No.-236 Year-2025 Thana- BAHADURGANJ District- Kishanganj

1. Tasiwoddin @ Tasibur Rahman Son of Late yakub Resident of Village - Bangama Ward no. 06, P.S. - Bahadurganj, Dist. - Kishanganj.
2. Gulsera Khatun Wife of Tasiwoddin @ Tasibur Rahman Resident of Village - Bangama Ward no. 06, P.S. - Bahadurganj, Dist. - Kishanganj.
3. Dilruba Khatun @ Dilruba @ Dilruba Begam D/o Tasiwoddin @ Tasibur Rahman Resident of Village - Bangama Ward no. 06, P.S. - Bahadurganj, Dist. - Kishanganj.
4. Sebrani Wife of Dilarz Alam @ Dilaraz @ Dilaroj(Gotni) Resident of Village - Bangama Ward no. 06, P.S. - Bahadurganj, Dist. - Kishanganj.
5. Ashgar @ Ajar Alam @ Md. Asgar Son of Md. Abid(neighbour) Resident of Village - Bangama Ward no. 06, P.S. - Bahadurganj, Dist. - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr. Mritunjay Kr. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-01-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Bahadurganj P.S. Case No. 236 of 2025, registered for the offences punishable under Sections 103(1), 3(5) of the BNS.

3. Based upon the written report, the prosecution alleges that the marriage of the daughter of the informant was solemnised with co-accused Dilsad Alam in the year 2016, however, she was subjected to demand of dowry and on account of non-fulfilment, she was tortured in various ways and finally done to death by all the named accused persons, including the petitioners.

4.Learned Advocate for the petitioners submitted that



the petitioner Nos. 1 and 2 are parents-in-law, whereas petitioner No. 3 is *nanad*, petitioner No. 4 is *gotani* and petitioner No. 5 is neighbour of the deceased. Admittedly, the marriage took place in the year 2016 and, as such, any demand of dowry and torture at this belated stage does not inspire confidence. In fact, the deceased was short tempered woman, who, on account of some trifle, herself committed suicide but later on name of all the family members have been implicated in this case. During the course of investigation, no material has been collected suggesting the complicity of the petitioners in crime resulting into final report bearing chargesheet No. 315/2025 dated 30.06.2025, copy of which has been placed on record as Annexure P/2. Despite the aforesaid fact, the learned jurisdictional court differing with the final report took cognizance for the offence punishable under Section 108 of the BNS against the petitioners vide order dated 04.08.2025, hence the present application for pre arrest bail. Cause of death is said to be asphyxia and shock as a result of hanging. The petitioners bear fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that there is specific accusation against the petitioners of causing



death of the deceased on account of non-fulfillment of dowry.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that the police after investigation has not sent up the petitioners for trial, however, differing with the final report, the learned jurisdictional court took cognizance; moreover the *post portem* report suggests the cause of death is due to asphyxia and shock as a result of hanging, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Bahadurganj P.S. Case No. 236 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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