

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91449 of 2025

Arising Out of PS. Case No.-424 Year-2023 Thana- MOTIHARI TOWN District- East
Champanan

Shiv Kumar @ Shiv Jee Sahani @ Shiv Sahani S/o- Ramdhari Sahani @
Ramdhari Chaudhari Village-Agarwa, P.S-Motihari Town, District-East
Champanan ... Petitioner

Versus

1. The State of Bihar
2. Sutri Devi D/o- Paras Sahani R/v- Dhekha Ps- Keseriya Dist- East
Champanan

... ... Opposite Party

Appearance :

For the Petitioner	:	Mr.Vijay Shankar Shrivastava, Adv.
For the State	:	Mr.Narsingh Tanti, APP
For the OP-2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 14-07-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Despite valid service of notice, nobody
appears on behalf of opposite party no. 2.

2. Petitioner apprehends arrest in Motihari Town P.S.
Case No. 424 of 2023, registered for the offences under
Sections 498(A), 364 and 34 of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act.

3. As per prosecution case, daughter of the informant
was married with this petitioner and it is alleged that petitioner
along with other co-accused used to demand motorcycle and
gold chain, as dowry, and used to torture the daughter of the
informant and on non-fulfillment of their demand, they killed
the daughter of the informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. This is not the case of 'dowry death'. No dead body has
been recovered and it has come during investigation that the
daughter of informant ran away with some other person and the
present case has been lodged merely on suspicion. Moreover,



the matter has been compromised between the parties and appropriate applications have been moved before the learned trial court and the informant / opposite party no. 2 admitted in the compromise petition that she filed the present case under misconception. Copy of compromise petition is annexed as Annexure 3 to the bail petition.

5. Learned counsel for the State opposes the prayer for bail. He submits that petitioner is husband of the victim who is traceless. He is named in the FIR with specific allegation that he along with other co-accused used to demand motorcycle and gold chain, as dowry, and used to torture the daughter of the informant and on non-fulfillment of demand, they killed the daughter of the informant.

6. Petitioner was married with daughter of informant in November, 2022 and the present case was lodged within a year of marriage in June, 2023. Victim became traceless from her in-laws house and she is still clueless till date. There is specific accusation against this petitioner of subjecting her to torture and cruelty for non fulfilment of demand of dowry. Considering these fact, I am not inclined to accede to the prayer of the petitioner for grant of privilege of pre-arrest bail.

7. Accordingly, this bail application is dismissed.

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(Prabhat Kumar Singh, J)

