

In the Court of Sessions Judge, East Champaran at Motihari.

Present:-

**Abhishek K. Das,
Sessions Judge,
East Champaran at Motihari**

Bail Petition No. 533 of 2026

1. **Pachulal Kumar, aged about 23 years, S/o- Madan Sahani.**
Resident of village- Garahiya, P.S. Garahiya, District- East Champaran.
----- **Petitioner.**
- Versus**
- The State of Bihar** ----- **Opposite party.**

Counsel for the Petitioner :- Sri Sujit Kumar Tiwari, Advocate.
Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.

17.03.2026

This bail petition is filed on behalf of the petitioner, namely, Pachulal Kumar, who is in judicial custody since 02.10.2025 in connection with Garahiya Bazar P.S. Case No. 218 of 2025 u/ss 103(1), 80(2), 61(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (hereinafter B.N.S.)

In para-2 of the bail petition, it is mentioned that no other regular or anticipatory bail petition has ever been filed earlier on behalf of the petitioner either in this Court or before the Hon'ble High Court, Patna. As per para-3 of the bail petition the petitioner has no criminal antecedent and as per para-4 of the bail petition, the petitioner is in judicial custody since 02.10.2025.

As per the prosecution's case, the informant's sister Shanti Kumari was married to Pachulal Kumar (petitioner) in 2019 and from the said wedlock they blessed with three children. All the persons named in the F.I.R. including the petitioner started demanding a car and 2 Lacs cash in dowry from his sister, which was refused by her. On 30.09.2025 all the accused persons and their 4-5 unknown associates have committed murder of informant's sister by pressing her neck. Upon getting information, the informant reached at the matrimonial house of his sister alongwith his family members and found the dead body of his sister lying there and froth was coming out from her mouth and nose. The informant has claimed that all the accused persons have committed murder of his sister due to non-fulfillment of demand of dowry.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has committed no offence. The deceased was a patient of heart disease and she used to take medicines. The entire prosecution story is out and out false,

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fabricated and concocted. All the alleged sections are not being made out in this case. On these basis, it is prayed to allow the bail petition.

The learned Public Prosecutor appearing on behalf of the State has opposed the prayer for bail on the basis of materials available in the case diary.

Heard both sides and perused the record. From perusal of the record, it appears that the petitioner is named in the F.I.R. with the allegation of committing murder of informant's sister due to non-fulfillment of demand of dowry. The petitioner is husband of the deceased. As per para-2 of the case diary containing inquest report, cause of death has been mentioned as apparently been caused by pressing neck and mouth. As per para-33 of the case diary containing postmortem report, cause of death is asphyxia due to throttling. As per postmortem report, doctor has found injuries i.e. (1) face cyanosed, (2) a bruise over the both side of neck having size of 1-1/2" x 1" on right side and 1" x 1" on left side, (3) bilateral conjunctiva congested and (4) froth coming out from both nostrils. As per para-3, 6, 7, 8, 39, 40, 41 of the case diary, the informant in his restatement and the witnesses including the independent witnesses have corroborated the version of F.I.R. and supported the prosecution case also. As per para-3 of the bail petition and para-57 of the case diary, the petitioner has no criminal antecedent. As per para-78 of the case diary, charge-sheet bearing no. 244/2025 dated 26.12.2025 has been submitted against the petitioner u/s 103(1), 80(2) and 3(5) of B.N.S. Petitioner is the husband of the victim.

In the facts of the case and keeping in view the nature of allegation, gravity of offence and materials available in the case diary, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of petitioner, namely, **Pachulal Kumar** stands **rejected**.

(Dictated)

Sd/-

Sessions Judge
East Champaran at Motihari
17.03.2026