

IN THE COURT OF 2nd ADDL. SESSIONS JUDGE
(BAIL PETITION NO. 886 of 2026)

IN THE MATTER OF:

1. SHIV SHANKAR KUMAR, S/O- SATYANARAYAN MAHTO
R/O- VILLAGE- MAJHAULIYA, P.S- SAKRA, DISTRICT -
MUZAFFARPUR.

..... PETITIONER

Vs

THE STATE OF BIHAR

.....OPPOSITE PARTY

(ARISING OUT OF SAKRA PS CASE NO. 325/2017)

(U/S– 304(B)/34 OF THE IPC)

ORDER

29.06.2026 The present bail petition filed on behalf of petitioner, who is in custody in connection with Sakra PS Case No. 325/2017 since 01.05.2026.

Heard, learned counsel appearing on behalf of the petitioner and learned A.P.P. appearing on behalf of the State.

The learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and falsely implicated in this case and he has not committed any offence and has got no criminal antecedent. It is further submitted that petitioner has filed anticipatory bail application no. 1810/2018 before the Learned ASJ 13th, which got rejected vide order dated 25.08.2018. Thereafter, he filed anticipatory bail application no. 3656/2025 before this court, which was dismissed as non maintainable. The petitioner also filed bail application before the Hon'ble High Court, Patna vide Cri. Misc. No. 5125/2019 & Cri. Misc. No. 14983/2026 which was rejected vide order dated 27.03.2019 & 29.04.2026. It is further submitted that the petitioner was married to the deceased in April, 2009 as per Hindu Rituals and the deceased died on 04.09.2017 due to diarrhea. Earlier, the co-accused have been granted anticipatory bail by the Hon'ble High Court, Patna on 18.05.2018 in Cri. Misc. No. 16949/2018. That the petitioner has been rioting in judicial custody since 01.05.2026. Hence prayer for regular bail.

Prosecution story in brief of the informant Bhulan Mahto is that he solemnized the marriage of his niece, Pinki Kumari @ Juhi with Shiv Shankar Kumar, in April 2009 according to Hindu Rites and rituals. Everything remained normal for a few years after the marriage. Thereafter, Shiv Shankar Kumar, Birjamal Devi and Gauri Shankar Kumar started demanding money as dowry from his niece. Consequently, all three of them subjected her to physical assault and mental harassment. After one and half years later the marriage, his niece Pinki Kumari consumed poison, but her life was saved after medical treatment. Following this incident, her in-laws stated, "you survived this time, but if your paternal family members do not give money as dowry, we will not let you live." Thereafter, she was continuously subjected to physical assault and harassment. On 01.09.2017, when his niece and son-in-law visited Chiknauta, the son-in-law demanded Rs. 1.5 Lakhs, stating that

he was purchasing land in Somnaha. He refused the money, stating that they had no funds due to recent family wedding. Consequently, his niece and son-in-law returned to Majholia on 02.09.2017. On 04.09.2017, at 7 PM, He was informed that Pinki was critically ill and being taken to Muzaffarpur. He reached Majholia with his family at 9 PM and found Pink's dead body on the Verandah. She leaves behind a 3 years old son, namely Shivam Kumar.

On the other hand, the learned A.P.P. opposed.

Rival contentions of the parties were heard and the record was perused. Perusal of the record which transpires that the petitioner is named in the FIR, and from perusal of the case diary para no. 33, it is stated by the informant that his niece Pinki Kumari @ Juhi got married to Shiv Shankar Kumar Mahto. After the wedding, Pinki Kumari went to her in-laws' house and started living there. Meanwhile, she also gave a birth a child. His niece, Pinki Kumari suffered chronically ill from long ago. In this regard, she was died due to her chronically and prolonged illness. Upon the demise, he filed the case in utter haste; however, he later came to know through the villagers and other individuals that her death was caused by her illness. The accused persons named herein are entirely innocent in this case. In this regard, a compromised petition has been duly filed. The co-accused have been granted anticipatory bail by the Hon'ble High Court, Patna on 18.05.2018 in Cri. Misc. No. 16949/2018. Moreover, the petitioner is in judicial custody for approx two months.

In view of the aforesaid facts and circumstances and also custody period of the accused person. I am of the opinion that the petitioner to grant the privilege of Bail. Hence, the accused petitioner is directed to be released on execution of a bond of Rs. 10,000/-with two sureties of the like amount with satisfaction of the learned trial court.

In the result, this regular bail petition of petitioner namely **Shiv Shankar Kumar** in connection with Sakra PS Case No. 325/2017 is hereby **allowed.**

Dictated

Sd/-

2nd District & Addl. Sessions Judge
Muzaffarpur