

[2026 LiveLaw \(SC\) 298](#)

**IN THE SUPREME COURT OF INDIA**  
CRIMINAL/EXTRAORDINARY APPELLATE JURISDICTION

**J.B. PARDIWALA; J., VIJAY BISHNOI; J.**

25 March, 2025

CRIMINAL APPEAL NO.1626/2026 (@ Petition for Special Leave to Appeal (Crl.)

No.4402/2026)

**LAL MUNI DEVI versus STATE OF BIHAR & ANR.**

**Bail – Cancellation of Bail – Dowry Death – Sections 103(1) and 80 of the Bharatiya Nyaya Sanhita, 2023 (BNS) – Appeal by the mother of the deceased challenging the High Court’s order granting bail to the husband of the deceased – The deceased died within 1.5 years of marriage in suspicious circumstances with multiple external and internal injuries – Allegations of dowry harassment and threats by the accused prior to the death – High Court granted bail primarily noting the absence of criminal antecedents and the period of custody – Held: The High Court adopted a "mechanical approach" and failed to consider the gravity of the offence and the nature of the accusations – While criminal antecedents are a factor, they cannot outweigh the seriousness of a crime like dowry death where circumstantial evidence strongly points toward the accused – The Supreme Court emphasized that an appellate court can interfere with a bail order if relevant materials were ignored or the gravity of the offence was not considered. [Relied on *P v. State of M.P.*, (2022) 15 SCC 211; Paras 14-27]**

WITH SPECIAL LEAVE PETITION(CRL.) NO.4610/2026

[Arising out of impugned final judgment and order dated 16-01-2026 in CRM No. 80290/2025 passed by the High Court of Judicature at Patna]

*For Petitioner(s): Mr. Samir Ali Khan, AOR Mr. Pranjal Sharma, Adv. Mr. Kashif Irshad Khan, Adv. Mr. Rajnish Kumar, Adv. Mr. Kanchan Kumar Jha., Adv. Ms. Divya Negi, Adv. For M/s.Brajesh Pandey & Associates, AOR*

*For Respondent(s): Mr. Samir Ali Khan, AOR Mr. Pranjal Sharma, Adv. Mr. Kashif Irshad Khan, Adv. Mr. Santosh Kumar Mishra, Adv.*

**ORDER**

1. Exemption Applications are allowed.
2. Leave granted.
3. This appeal is at the instance of the original complainant (mother of the deceased), seeking to challenge the legality and validity of the Order passed by the High Court dated 16-1-2026, releasing the Respondent No.2 - original accused (husband of the deceased), on bail in connection with the First Information Report dated 1-9-2024 registered with the Gopalpur Police station, State of Bihar for the offence punishable under Sections 103(1) and 80 of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS,2023) respectively.
4. It appears from the materials on record that the deceased was married to the accused past 1½ years. On 1-9-2024, the deceased was found dead at her matrimonial home in suspicious circumstances with external and internal injuries all over her body. The mother of the deceased lodged an FIR on the very same day and date. The FIR reads thus:

*"I hereby state that I, Lai Muni Devi, wife of Budhan Prasad Sahu, village Gobar Sahi. Prasann Nagar, Police Station Sadar, District Muzaffarpur. The marriage of my daughter Harshika took place on 26 May 2023 with Vikas Kumar, son of Ramji Prasad Gupta Sahu, village- Gobar Sahl,*

*Prasann Nagar, Police Station Sadar. District Muzaffarpur, present address: Jaganpura (Chhatrapati Shivaji Apartment), Police Station Gopalpur, District Patna. They were given 20 lakh rupees and gold and silver worth approximately 6 lakh rupees. They also provided a bed and bed-sheet and many other items. Vikas began dating another woman just six months after the wedding. This led to a rift between the two, with Vikas's mother, Meera Devi, and husband, Ramji Prasad Gupta, both demanding a Bullet and a new model refrigerator. Vikas was demanding a Wheeler for his business. I told them that I still had three daughters to marry off, and my husband was retired. Therefore, I couldn't afford to give them so much. Then they began harassing my daughter, and Vikas repeatedly threatened me to take my daughter away or he would kill her. In this way, he began harassing my daughter further, and this morning, on 01.09. 2024, Vikas called me and told me that my daughter had died. I strongly suspect that Vikas murdered my daughter.*

*Therefore, it is requested to you that after investigating the above matter, legal action should be taken and punishment should also be given."*

5. Upon registration of the FIR, the investigation was undertaken. The post-mortem of the dead body of the deceased was conducted at the Nalanda Medical College, Patna. In the post-mortem report, the following injuries have been noted: -

- (i) A lacerated wound of 6x4 cm, bone deep, over the right frontal region of the skull.*
- (ii) Fracture of the frontal bone of the skull with lacerated brain matter.*
- (iii) Ruptured sternum and ruptured heart*
- (iv) Fracture of the pelvic bone.*
- (v) Multiple abrasions on the chest, abdomen, and hip".*

6. The cause of death assigned in the post-mortem report is hemorrhage and shock due to head injury.

7. The case at hand is one of dowry death. Upon filing of the charge sheet, the case was committed to the Court of Sessions, which culminated as the Sessions Case Number.1800/2025 pending in the Court of Additional Sessions Judge, Patna, Bihar.

8. The Respondent No.2 came to be arrested in connection with the alleged crime. First in point of time, the Respondent No.2 prayed for bail before the Sessions Court. Since the Sessions Court declined to grant him bail, the accused went before the High Court. The High Court also declined to grant bail vide Order dated 16-5-2025 passed in Criminal Miscellaneous Application No.24229 of 2025. The order reads thus: -

*"1. Heard Mr. Manoj Kumar, learned counsel for the petitioner, Dr. Anand Kumar, learned counsel for the Informant and Mr. Shahabuddin Azeem, @S. Azeem, learned APP for the State.*

*2. Petitioner seeks bail, who is in custody since 02.09.2024, in connection with Gopaipur P.S. Case No. 365 of 2024, F.I.R. dated 0109.2024 registered for the offences punishable under Section 80 of the Bhartiya Nyaya Sanhita and later on charge-sheet was submitted under Sections 80/103(1) of the Bhartiya Nyaya Sanhita, 2023.*

*3. Allegation against the petitioner is of committing torture and caused death due to non-fulfillment of demand of dowry.*

*4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the ground that the petitioner is husband of the deceased. In fact, the deceased has committed suicide herself and petitioner has no role in the present occurrence and informant is not an eye witness of the alleged occurrence.*

*5. Learned counsel for the Informant as well as learned APR for the State, on the other hand, on the basis of material available on record and case diary, vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation before the death of the deceased and all the circumstantial evidences suggest that the petitioner has committed the*

*murder of the deceased and she has been died within one and half years of the marriage and witnesses have supported the case of the prosecution in paragraph nos. 9, 10, 33 and 34 of the case diary.*

6. *Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Gopalpur P.S. Case No. 365 of 2024 pending in the Court of learned Judicial Magistrate 1st Class, Patna.*

7. *Prayer is refused.”*

9. *Within seven months from the date the High Court rejected the bail application of the accused, a fresh bail application came to be filed before the High Court and the High Court passed the impugned order releasing the accused on bail. The impugned order reads thus: -*

*“1. Heard Mr. Dhirdyuti Kumar Verma, learned counsel for the petitioner, Dr. Anand Kumar, learned counsel for the informant and Mr. Anuj Kumar Shrivastava, learned Additional Public Prosecutor for the State.*

*2. Petitioner seeks bail who is in custody since 02.09.2024 in connection with Gopalpur P.S. Case No. 365 of 2024, F.I.R. dated 01.09.2024 for the offences punishable under Section 80 of the BNS, 2023 but later on Section 103(1) was also added.*

*3. Earlier the regular bail application of the petitioner was rejected vide order dated 16.05.2025 passed in Cr. Misc. No. 24229 of 2025.*

*4. Learned counsel for the petitioner submits that petitioner has dean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is in custody since 02.09.2024 and the trial is not in progress and the petitioner has been made accused merely on the ground that he is husband of the deceased. In fact, the deceased had committed suicide herself and the petitioner has no role at all in the present occurrence. Apart from the aforesaid, the Informant is not the eye witness of the alleged occurrence.*

*5. Learned counsel for the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that all the evidence shows that the petitioner has committed the murder- of the deceased and she died within one and a half years of marriage.*

*6. Vide order dated 22.12.2025 a report was called with regard to the stage of trial. Report of the learned trial court dated 02.01.2026 reveals that the charge has been framed against the petitioner on 25.09.2025. There are altogether 8 witnesses in the charge sheet where 5 witnesses are private and 3 are public witnesses. As per the report, none of the witnesses have been examined as yet.*

*7. Learned counsel for the petitioner as well as learned counsel for the informant inform this Court that on 13.01.2026 one of the witness, namely, Suman Kumari who is sister of the deceased has been examined by the trial court.*

*8. Learned counsel for the petitioner submits that in view of the report of the learned trial court, the trial is not likely to be concluded in the near future and the petitioner is in custody since 02.09.2024.*

*9. Considering the aforesaid facts and circumstances, report of the learned trial court as well as the period of custody, let the petitioner, above named, be released on ball on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Patna In connection with Gopalpur P.S. Case No. 365 of 2024, subject to the following conditions: -*

*i. Petitioner shall co-operate In the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his*

absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

*ii. If the petitioner tampers with the evidence or the witnesses, in that case,-the prosecution will be at liberty to move for cancellation of bail.*

*iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.”*

10. The mother, i.e. the de-facto complainant, being dissatisfied with the Order passed by the High Court releasing the accused on bail, is here before us with the present appeal.

11. We heard Mr. Rajnish Kumar, the learned counsel appearing for the appellant (de-facto complainant), Mr. Samir Ali Khan, the learned counsel appearing for the State of Bihar and Mr. Santosh Kumar Mishra, the learned counsel appearing for the Respondent No.2 - the original accused.

12. The impugned order passed by the High Court releasing the accused on bail is wholly unsustainable. In a very serious crime like dowry death, the High Court should have been very careful in exercising its discretion. The High Court in its impugned Order has not discussed anything. All that weighed with the High Court was that the accused was in judicial custody and only two witnesses had been examined till the date the High Court passed the impugned order.

13. The High Court lost sight of many important aspects of the matter, more particularly the post-mortem report indicating number of injuries on the body of the deceased, and the presumption of commission of offence as provided under Section 114 of the Bharatiya Sakshya Adhiniyam, 2023.

14. In a very recent pronouncement by this Court, a deep concern was expressed over the seemingly mechanical approach being adopted by the High Courts in granting bail in cases of dowry deaths. This Court in “Shabeen Ahmed vs State of Uttar Pradesh & Anr.” Pradesh and another (Criminal Appeal No. 1051 of 2025 arising out of Special Leave Petition (Criminal) No. 15156 of 2024 and allied appeals observed in Para 15 as under:

“15. We also find it necessary to express our concern over the seemingly mechanical approach adopted by the High Court in granting bail to the Respondent accused. While the Court did note the absence of prior criminal records, it failed to fully consider the stark realities of the allegations. It is unfortunate that in today’s society, dowry deaths remain a grave social concern, and in our opinion, the courts are duty bound to undertake deeper scrutiny of the circumstances under which bail is granted in these cases. The social message emanating from judicial orders in such cases cannot be overstated: when a young bride dies under suspicious circumstances within barely two years of marriage, the judiciary must reflect heightened vigilance and seriousness. A superficial application of bail parameters not only undermines the gravity of the offence itself but also risks weakening public faith in the judiciary’s resolve to combat the menace of dowry deaths. It is this very perception of justice, both within and outside the courtroom, that courts must safeguard, lest we risk normalizing a crime that continues to claim numerous innocent lives. These observations regarding grant of bail in grievous crimes were thoroughly dealt with by this Court in *Ajwar v. Waseem*<sup>2</sup> in the following paras:

“26. *While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released*

on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. [Refer : Chaman Lal v. State of U.P. [Chaman Lal v. State of U.P., (2004) 7 SCC 525 : 2004 SCC (Cri) 1974] ; Kalyan Chandra Sarkar v. Rajesh Ranjan [Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528 : 2004 SCC (Cri) 1977] ; Masroor v. State of U.P. [Masroor v. State of U.P., (2009) 14 SCC 286 : (2010) 1 SCC (Cri) 1368] ; Prasanta Kumar Sarkar v. Ashis Chatterjee [Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765] ; Neeru Yadav v. State of U.P. [Neeru Yadav v. State of U.P., (2014) 16 SCC 508 : (2015) 3 SCC (Cri) 527] ; Anil Kumar Yadav v. State (NCT of Delhi) [Anil Kumar Yadav v. State (NCT of Delhi), (2018) 12 SCC 129 : (2018) 3 SCC (Cri) 425] ; Mahipal v. Rajesh Kumar [Mahipal v. Rajesh Kumar, (2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558] .]

27. *It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse order of bail is always open to interference by the superior court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order. In P v. State of M.P. [P v. State of M.P., (2022) 15 SCC 211] decided by a three-Judge Bench of this Court [authored by one of us (Hima Kohli, J.)] has spelt out the considerations that must weigh with the Court for interfering in an order granting bail to an accused under Section 439(1)CrPC in the following words : (SCC p. 224, para 24)*

*“24. As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [Dolat Ram v. State of Haryana, (1995) 1 SCC 349 : 1995 SCC (Cri) 237] . To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court.”*

#### *Considerations for setting aside bail orders*

28. *The considerations that weigh with the appellate court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima facie case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. Suffice it is to state that the bail order should reveal the factors that have been considered by the Court for granting relief to the accused.”*

15. Dowry deaths are indeed a profound disgrace and a major social evil representing a severe violation of human rights and dignity. Despite the legal prohibitions, this practice continues to result in the unnatural deaths of thousands of women, often through murder or driven to suicide because of greed-driven demands for money or valuables from the groom's family. Dowry deaths are a severe blot on society.

16. The learned counsel appearing for the accused would submit that the case is one of suicide. According to the learned counsel, the deceased was not in a stable state of mind and she is said to have jumped from the sixth floor of a building. This may be the defence of the accused.

17. Even suicidal deaths are punishable under Section 80 of the BNS, 2023.

18. We are informed that the trial is in progress. On this ground alone, the High Court should have declined bail.
19. We are of the view that the impugned Order deserves to be set aside. The bail granted by the High Court should be cancelled and the Respondent No.2 - accused should be directed to surrender before the jail authorities. We order accordingly.
20. We clarify that our present observations are limited to deciding whether the bail granted by the High Court is liable to be cancelled. The trial court shall proceed on its own assessment of evidence uninfluenced by any of the remarks made herein.
21. The Trial Court shall see to it that the trial is completed within six months from today.
22. We grant one week's time to the Respondent No.2 to surrender before the jail authority, failing which the trial court shall issue a non-bailable warrant of arrest. 23. The appeal stands disposed of.
24. There is a connected petition filed by the State seeking the very same relief of cancellation of bail.
25. In view of the order passed in the petition filed by the *defacto* complainant, we need not pass a separate order in the petition filed by the State.
26. The same is disposed of accordingly.
27. Pending applications, if any, also stand disposed of.
28. The Registry shall forward one copy of this order to the Registrar General of the High Court of Patna who shall in turn place it before the Chief Justice of the High Court of Patna.

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