

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50885 of 2023

Arising Out of PS. Case No.-46 Year-2022 Thana- KODHOBARI District- Kishanganj

Shahnawaz Son of Md. Salim @ Salim Miyan, Resident of Lohakachi, P.S-.
Kodhobari, Distt- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
22.05.2023 in connection with Kodhobari P.S. Case No.46 of
2022, F.I.R. dated 16.12.2022 for the offences punishable under
Sections 302, 304-B, 120/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with his family members killed the daughter of the informant on
the pretext of non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that petitioner
is not named in the F.I.R. and the name of the petitioner has
been transpired on the basis of confessional statement of co-



accused namely, Mubarak Hussain. He further submits that except the confessional statement of co-accused namely, Mubarak Hussain, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 22.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in paragraph no.17 of the case diary that the co-accused namely, Mubarak Hussain who is happened to be husband of the deceased had categorically stated that the petitioner was actively participated in the crime in question and he has caught hold the leg of the deceased.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Mr. Sandeep Sahil, learned Judicial Magistrate, 1st Class, Kishanganj in connection with Kodhobari P.S. Case No. 46 of 2022, subject to the following conditions:-



1. 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.

2. 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.

3. 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.

(Rajesh Kumar Verma, J)

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