

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1380 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

MUDASSIR ALAM SON OF MOJIBUR RAHMAN R/O VILLAGE-
KOLHA WARD NO. 8, P.S.- KOCHADHAMAN, DIST.- KISHANGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Ms. Rina Sinha, APP
For the Informant	:	Mr. Mritunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 06-01-2023 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant through
video conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 304B, 313,
314 and 34 of the Indian Penal Code.

As per the prosecution case, the daughter of the
informant who was married to the petitioner as per Muslim rites
and customs was regularly tortured and assaulted for non
fulfillment of demand of dowry. It is stated that as a result of
forcibly making her consume medicines for carrying out
abortion that she bled to death.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case only for the reason of his being the husband of the deceased. The allegations are false and concocted. From the postmortem report it would transpire that no external injury was found on the body of the deceased. The petitioner is in custody since 6.4.2021, charge has been framed in the case and he undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that there is direct allegation against the petitioner in the FIR which is supported from the material which has transpired in the investigation including the inquest report as also the postmortem report. Once the petitioner is enlarged on bail, he will not let the trial proceed.

Having heard learned counsel for the parties and taking into consideration the submissions made, the nature of allegation, contents of the postmortem report, the petitioner having remained in custody for 1 year 9 months since 6.4.2021 and charge having been framed in the learned trial court, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 80 of 2021 (arising out of Kochadhaman P.S.



Case no. 75 of 2021) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge 1st – cum – Special Judge, Kishanganj on the following conditions:-

(I) The petitioner shall remain physically present in court on each date of the trial and shall cooperate in the trial.

(II) In case the learned trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

Spd/-

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