

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46292 of 2024

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

Abdul Kabir @ Kabir, S/o Late Abdul Rashid, R/o vill- Lohakachi
Singhimari, Thana- Kodhobari, District kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party : Mr. Rajendra Singh Shastri, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kodhobari P.S. Case No. 46 of 2022 giving rise to Sessions Trial
No. 91 of 2024 dated 16.12.2022 registered for the offences
punishable under Sections 304B, 302 and 120B of the I.P.C.

3. As per the prosecution case, the petitioner and the co-
accused persons are alleged to have killed the informant's
daughter due to non-fulfillment of demand of motorcycle and
cash of Rs. 2,00,000/- as dowry.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in the
present case. It is submitted that the petitioner neither demanded



any dowry nor tortured the informant's daughter. The petitioner is not named in the F.I.R. His name has come in the present case on the basis of the confessional statement of the co-accused Mubarak Hussain who is the husband of the deceased which has got no evidentiary value in the eye of law. Except the confessional statement of the co-accused Mubarak Hussain, there is no other substantive evidence to suggest the implication of the petitioner in the present case. It is further submitted that after investigation, charge sheet has been submitted under Sections 302 and 120B of the I.P.C. in the present case. The husband of the deceased is in custody. The other co-accused persons have already been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 50885 of 2023 under order dated 12.09.2023. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 12.01.2024.

5. Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of



the learned District and Sessions Judge, Kishanganj in connection with Kodhobari P.S. Case No. 46 of 2022, giving rise to Sessions Trial No. 91 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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