

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57920 of 2024

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

Mubarak Alam @ Mubarak Hussain @ Mubarak Son of Islam @ Bail
Resident of Village - Lohakachi, Singhimari Ward No.10, P.S. - Kodhobari,
District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Adv

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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

ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kodhobari P.S. Case No. 46 of 2022 dated 16.12.2022 registered for the offences punishable u/s 304B, 302, 120B of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have strangled the informant's daughter to death due to non-fulfillment of demand 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 this case. The petitioner is the husband of the informant. The



petitioner neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner. It is also submitted that there is no eye-witness of the occurrence alleging to the fact that the petitioner participated in the occurrence to kill the deceased. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 25.07.2024 passed in Cr. Misc. No. 46292 of 2024. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 17.12.2022.

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

6. Considering the aforesaid facts and circumstances of the case and the nature of allegation levelled against the petitioner as well as the period of custody, the petitioner above-named, is directed to 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 learned Court concerned, Kishanganj in connection with Kodhobari P.S. Case No. 46 of 2022, with a condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the



bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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