

The Court of Addl. Sessions Judge-Ist, Kishanganj
Bail Petition No. - 96 /2026
(Mahila PS case no. 27/ 2026)

Present : Suresh Kumar Singh II
Addl. Sessions Judge-Ist, Kishanganj

Mohd. Shobhir

..... (Petitioner)

Vs.

The State of Bihar

..... (Opposite Party)

For the Petitioner	: Sri Raja Kumar Pal	(Advocate)
For the State	: Sri Suren Prasad Saha	(A.P. P.)

22-04-2026 1. Heard learned counsel for the petitioner namely, Mohd. Shobhir, who is in custody since 07.03.2026 in connection with Mahila P.S. Case No. 27/2026, registered u/s 126(2), 115(2), 127(2), 351(2), 352, 85, 89, 109(1), 76/3(5) BNS and 3/4 DP. Also heard learned P. P. for the State.

2. Prosecution case in short is that Informant married with Md. Sobhir on 27.09.2025 as per Muslim rites and customs. At the time of marriage complainant's brother gave them Rs. 2,00,000/-, gold and silver ornaments as per their capacity. After 10 days her husband took her to Ludhiana, where initially she was treated well, but later he started demanding Rs. 5,00,000/- more. Petitioner has already married and have two sons from their first marriage. When the complainant denied to fulfill the demand of dowry, all the accused persons including this petitioner assaulted her. She further alleged that she was forced to undergo two abortions against her will, as her husband did not want more children. Her husband and his family members also threatened to kill her and force her into prostitution if the demand was not met. With the help of others, her brother arranged her return to Kishanganj. However, when she went to her in-laws on 20.02.2026 she was brutally assaulted her and torn her clothers and ousted her from their house and kept all her belongingness.

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has not committed any offence. Entire allegations as alleged in the FIR are false, fabricated and concocted. Petitioner has falsely been implicated in this case. The petitioner has already file earlier a snah bearing Snah No. 163/2026 before the Ld. CJM Kishanganj on dated 02.03.2026. the FIR is

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lodged on 05.03.2026 for the occurrence 20.02.2026 but there is no explanation of delay. The allegation 76 BNS does not attracted against the petitioner and not specific against the petitioner. The section 89 BNS is also not attracted because there is no medical evidence has produced by the informant in support her allegation of abortion. There is also no ingredient of 109(1) BNS. The section 109(1) BNS present in the FIR is not attracted in the FIR. It is second marriage of the petitioner, so demanding of dowry is false and fabricated. The petitioner's elder brother and his two daughters has gone with informant to her maike because informant has complaining that she has ome pain in head and feeling unwell when they reached at maike of the informant they have been captured and tied with rope and assaulted the petitioner's elder brother who sustained injury in his finger and other parts of the body. They forced the petitioner's elder brother to call the petitioner and pay Rs. 10,00,000/- and give divorce to the informant. The petitioner is also filed a case before the Ld. Principal Judge-cum-Family court Kishanganj, bearing case no. MAT-29/2026 for restoring of conjugal life. The petitioner is also suffering from diabetes and Neuro problems and high blood pressure. The petitioner has clean antecedent.

4. Learned P. P. has opposed the prayer for bail.

5. From perusal of record it transpires that the petitioner is husband of the informant and there is allegation against him that he demanded Rs. 5,00,000/- as dowry. When she refused then he abused and assaulted her and said that if demand is not further he will divorce her. After that other accused persons also started demanding dowry. They closed her in a room and stopped giving food to her and they aborted her pregnancy by administering medicine to her. On 20.02.2026 accused persons assaulted the informant and ousted her from there house. At the time of hearing informant was present in the Court that she is not ready to reside with the petitioner at Ludhiyana where he lives in coonection to his livelihood. She said that she will reside in the village of the petitioner. Ld. Lawyer for the petitioner submitted that he his ready to keep the informant with him at Ludhiyana but the informant refused. From perusal of case diary it transpires that there is no evidence of abortion of pregnancy. Petitioner is in custody since 07.03.2026.

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6. Accordingly the petitioner namely, Mohd. Shobhir is hereby directed to be released on bail on furnishing bail bound of the amount of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the Learned Court Concerned.

Dictated

Sd/-

Suresh Kumar Singh II
Addl. Sessions Judge-1st
Kishanganj

Date of Judgment/Order	22-04-2026
Date of Reserving Judgment/Order	NA
Uploading Date	23 -04-2026
Uploaded by	Steno