

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76737 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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SEIKH PERVEZ ALAM @ SEKH PARVEJ ALAM @ PARVEJ Son of
Maqbool Alam R/o vill - Dhobha, P.S. - Chand, Distt. - Kaimur at Bhabua
... .. Petitioner

Versus

1. The State of Bihar
2. Md. Naushad Alam Son of Md. Habib Sheikh R/o vill - Parasthua, P.s. -
Kochas, Distt. - Rohtas
... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Md. Najmul Hodda, Advocate
For the Opposite Party : Mr.Rajiv Nayan, Addl Public Prosecutor
Mr. SK Singh, C.Swaroop, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-03-2024 Heard learned counsel for the parties.

2. The petitioner apprehends arrest in a case registered
for the offence punishable under section 4 of the Muslim
Women (Protection of Rights on Marriage) Act, 2019.

3. As per the prosecution case, petitioner happens to
be husband of sister of opposite party no.2. petitioner and his
family members are alleged to have demanded dowry and on
non-fulfilment of the same, they committed torture on the victim
for which opposite party no.2 lodged complaint under section 4
of the Act, 2019. Thereafter, petitioner sent a notice to the
victim to the effect that he divorced her which act is an offence
under section 3 of the Act, 2019.

4. Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. Petitioner and the victim are in police service, as such, allegation of demand of dowry coupled with harassment and cruelty appears to be improbable. However, petitioner is ready to keep the victim with him as well as to maintain her.

5. Learned counsel for opposite party no.2 opposes the prayer for bail. He submits that under section 3 of the Act, 2019 any pronouncement of talaq by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be void and illegal. He further submits that as per section 7(c) of the Act, 2019 no person accused of an offence punishable under this Act shall be released on bail unless the Magistrate, on an application filed by the accused and after hearing the married Muslim woman upon whom talaq is pronounced, is satisfied that there are reasonable grounds for granting bail to such person.

6. Considering the nature of accusation as well as the fact that the petitioner is ready to keep his wife/ sister of opposite party no.2 and he is also ready to maintain her, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner,



mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Rohtas at Sasaram in Complaint Case No. 04/2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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