

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5369 of 2025

Arising Out of PS. Case No.-455 Year-2023 Thana- SERGHATI COMPLAINT CASE
District- Gaya

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Md. Kalim @ Md Kalim Ahmad @ Md Kalim Ahmed son of Late Abdul Jalil Mian @ Jalil Mian @ Abdul Jalil @ Md Jalil Mian, village- Chuwawar, Po- Dangra, Ps- Mohanpur, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Noor Jehan Parween Wife of Md Kalim @ Md Kalim Ahmad @ Md Kalim Ahmed, D/o Md. Kudus @ Kudus Mian, R/o Village- Chuwawar, Ps- Mohanpur, Dist- Gaya, P/A- Village- Itahari, Po- Itwan, Ps- Mohanpur, Dist- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Murad Ashraf, Advocate
		Ms. Anita Kumari, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the O.P. No.2	:	Mr. K. N. Jamuar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-02-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State as well as learned counsel for the O.P. No.2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 455 of 2023 dated
14.07.2023, filed for the offences punishable under Sections
498(A), 323, 504 and 506 of the Indian Penal Code.

3. As per allegation, after the marriage, there was
demand of additional dowry and on account of non-fulfillment
of the same, the complainant/wife was subjected to torturing by
the petitioner/husband.

4. Ld. counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that in fact, the marriage is not working. He further submits that the complainant is the second wife of the petitioner because the petitioner has married this lady after death of the first wife and even for complainant, this is the second marriage because she had been divorced by first husband and both petitioner and the complainant are having children from the earlier marriages and the present marriage is not working.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State and learned counsel for the O.P. No.2 vehemently oppose the prayer of the Petitioner for bail submitting that on account of non-fulfillment of the additional demand of dowry, the complainant is being tortured by the petitioner and she wants to live with him but he is not keeping her in his matrimonial home and not taking care of her daughter from the earlier marriage.

8. In view of the aforesaid facts and circumstances, it



appears that there is matrimonial discord between the parties and it is better for them to approach the Family Court, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate, Sherghati, Gaya, in connection with Complaint Case No. 455 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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