

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3285 of 2025

Arising Out of PS. Case No.-306 Year-2023 Thana- COMPLAINT CASE - BIKRAMGANJ
District- Rohtas

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Mad. Hafeez @ Hafeez Mansuri @ Mohammad Hafeez @ Sri Hafeez
Mansuri, Son of Shri Sadeek Mansuri, Resident of Village- Jaitpur, P.S.
Udwantnagar, District- Bhojpur,

... .. Petitioner

Versus

1. The State of Bihar
2. Gulshan Khatoon, wife of Mad. Hafeez @ Hafeez Mansuri @ Mohammad
Hafeez @ Shri Hafeez Mansuri, r/o village- Jaitpur, P.S.- Udwantpur, Dist-
Bhojpur

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Bhavesh Kumar, Advocate.
For the State	:	Mr. Mukesh Kumar Singh, APP
For the Complainant	:	Sheikh Arkan Ahmad, Advocate.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the Complainant/Opposite

Party No. 2.

2. The petitioner seeks bail, apprehending his arrest,

in connection with Complaint Case No. 306 of 2023 dated

1.5.2023 filed for the offences punishable under Sections 498-A

341, 323, 504, 379, 34 of the Indian Penal Code and Section 3/4

of Dowry Prohibition Act.

3. As per allegation, the Complainant is married with

the petitioner according to Muslim rites and customs in the year

2020 and as per allegation, just after one month of the marriage,



additional demand of dowry started on behalf of the petitioner and on account of non-fulfillment of the same, she was subjected to cruelty and ultimately ousted from the matrimonial home. In solemn affirmation she also stated in the court that her husband is a labourer working outside the State and she is willing to go to the matrimonial home if her husband takes her. She has also one year old daughter out of the wedlock and no maintenance is being paid by the petitioner/husband.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is a labourer working outside the State. He also submits that as a matter of fact, the Complainant/wife wants him to live at her parent's house as *Gharjamai* which is not acceptable to him and hence, this false case has been filed.

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 antecedent.

7. However, learned APP for the State and learned counsel for the Complainant vehemently oppose the prayer of



the Petitioner for bail submitting that as a matter of fact, the Complainant/wife has been ousted from the matrimonial home on account of non-fulfillment of additional demand of dowry and he is not even paying any maintenance to her. She is willing to go to her matrimonial home, but he is not taking her to her matrimonial home.

8. From rival submission of the parties, it appears that the marriage is not working for the reason best known to them and the remedy lies to the Family Court by way of filing restitution petition as well as maintenance petition. Hence, the parties are advised to move Family Court to adjudicate their matrimonial dispute including restitution of conjugal life as well as maintenance petition.

8. Considering the aforesaid facts and circumstances, **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 concerned court below in connection with Complaint Case No. 306 of 2023, subject to the conditions as



laid down under Section 482 (2) B.N.S.S., 2023 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, learned 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, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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