

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11266 of 2025

Arising Out of PS. Case No.-364 Year-2024 Thana- BAIRIYA District- West Champaran

Safaruddin Miyan @ Safuddin Miyan @ Sarfuddin Miyan @ Sarfddin Miyan,
Male, Son of Sattar Mian, Resident of village -Siswa Saraiya Ward no. 12,
P.S. -Bairiya District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khedu Miyan, aged about 55 years, Gender-Male, Son of Late Aash Mohammed Miyan, Resident of village- Rani Pakdi, Ward no. 43, Nagar Nigam, Bettiah, P.S.- Mufasil, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 14-05-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Bairiya
P.S. Case No. 364 of 2024 instituted for the offences punishable
under Sections 126(2), 115(2), 85, 140(1) and 3(5) of the B.N.S.
and under Sections 3 and 4 of the Dowry Prohibition Act.

3. As per allegation in the FIR, it is case of torture and
harass to the daughter of the informant by the petitioner and his
family members due to non-fulfillment of dowry demand.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He submits that the
allegation against the petitioner is general and omnibus in



nature. He further submits that the prosecution story is based only on the suspicion and there is no any cogent material available on record to connect the petitioner with the alleged offence. He next submits that the present case is false but an afterthought by the informant to harass the petitioner. He, lastly, submits that the daughter of the informant was in love affairs with a boy to her native village prior to her marriage and she fled away with him and only with a view to make pressure, the informant has lodged a false case against the petitioner and his family members. He then submits that the occurrence took place on 18.10.2024 and the FIR has been lodged on 21.10.2024 after a delay of almost about three days but there is no any plausible explanation. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 23.10.2024. Similarly situated co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 12035 of 2025 vide order dated 28.03.2025.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for bail.

6. From perusal of the case diary, FIR and impugned order of the learned Sessions Judge, West Champaran, Bettiah dated 24.01.2025, it appears that on the basis of written report of



the informant Khedu Miyan (father of the victim), FIR has been lodged under Sections 126(2), 115(2), 85, 140(1) and 3(5) of the B.N.S. and under Section 3 and 4 of the Dowry Prohibition Act against five co-accused persons including the present petitioner. The victim solemnized the marriage with the petitioner according to Muslim rite and rituals on 14.12.2023 and after two months to her matrimonial life, FIR, named five accused persons including the petitioner started demanding bullet motorcycle and gold chain and started harassing the informant's daughter both mentally and physically. On 18.10.2024, an unknown person informed the informant that his daughter has been brutally assaulted and upon this information, the informant along with his family members started calling them but they got no reply. In the meantime, Safarddin informed him that his daughter has fled away. It appears that the petitioner has arrested by the police on 23.10.2024 and not properly interrogated and after conclusion of the investigation chargesheet has already been submitted for an offence under Sections 126(2), 115(2), 85, 3(5) of the B.N.S. and Section 3/4 of the Dowry Prohibition Act and petitioner is in custody since 23.10.2024 and also the fact that similarly situated co-accused persons namely, Mantura Khatoon @ Manturni Khatoon, Samsun Khatoon and Jamila



Khatoon @ Jamil Khatoon have already been granted anticipatory bail by a co-ordinate Bench of this Court passed in Cr. Misc. No. 12035 of 2025 vide order dated 28.03.2025, so considering all these aspects of the case, I am inclined to grant bail to the petitioner.

7. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 364 of 2024.

8. The concerned Investigating Officer in the present case has not investigated this case properly and in a very casual manner interrogated the present petitioner in para 19 of the case diary whether the victim girl disappeared from the matrimonial home and concluded the investigation which may affect the Trial of the present case. So the Superintendent of Police, Bettiah is directed to take appropriate action against the concerned Investigating Officer, who has investigated the present case.

9. Let a copy of this order be sent to the Superintendent of Police, Bettiah for its compliance and



necessary action against the concerned Investigating Officer
and also directed to submit this enquiry report as early as
possible to this Court.

10. List this case on 18.07.2025.

(Ramesh Chand Malviya, J)

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