

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13366 of 2025

Arising Out of PS. Case No.-294 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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M. Razi Ahmad @ Md. Razi Ahmad @ Razi Ahmad S/O Late Neyaz Ahmad
Resident of vill.- Burhanagar, Garhpar, P.S.- Islampur, Dist.- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shama Fatma @ Shama Perween W/O Razi Ahmad @ Md. Razi Ahmad @
Razi Ahmad, D/O Md. Aslam R/O Mohalla- Khawaha Colony, P.S.-
Kotwali, Dist.- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha
For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 20-08-2025 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Cr. Compliant (P) No. 294 of 2021 disclosing offences
under Section 498(A) of the Indian Penal Code.
3. The prosecution case, as per the complaint, is that
marriage of the complainant was solemnized with the
petitioner on 18.01.2018 according to Muslim rites. After
marriage the complainant was being tortured mentally
and physically by the petitioner and other accused persons
due to non-fulfillment of demand of dowry.
4. Learned counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and after three years of marriage, the complaint/FIR has been lodged by the opposite party no. 2-wife. He next submits that the petitioner is willing to keep the opposite party no. 2 as wife with him at matrimonial home, but opposite party no. 2 is not willing to live with the petitioner. He further submits that the petitioner filed a case under Section 281 of Mohammedan Law vide MTS No. 183 of 2023 before learned Principal Judge, Family Court, Gaya, for restitution of conjugal rights, but the wife has not appeared. He also submits that the opposite party no. 2 works as nurse and is more educated than the petitioner, who is matriculate and works as plumber/helper. The matter was sent for mediation by this Court vide its order, dated 02.07.2025, but the opposite party no. 2 did not appear, accordingly, the mediation failed.

5. On the other hand, learned counsel for the informant opposes the prayer for anticipatory bail and submits that opposite party no. 2 is very poor as such she could not come for mediation. The submission of learned counsel for the petitioner that the opposite party no. 2 works as



nurse is not correct.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that in mediation the opposite party no. 2 did not appear, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class-cum-Additional Munsif VI, Gaya, in connection with Cr. Complaint (P) No. 294 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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