

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25541 of 2025

Arising Out of PS. Case No.-27 Year-2023 Thana- MAHILA PS District- Jehanabad

Md. Danish Imam @ Md. Danish Mallick @ Danish Imam Md. Khalid Imam
@ Ali Imam @ Ali Imam Akhtar Resident of Mohalla- Irki Near Urdu
Primary School Eidgah Masjid Road PS- Jehanabad District- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahwar Zarrin W/o- Mr. Danish Imam, D/o- Md. Shaukat Ali Village-
Shabbait Ps- Nalanda Dist- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Arshad Jameel Hashmi, Advocate
For the Opposite Party/s :	Mr. Upendra Kumar, APP
For the Informant :	Mr. Utpal Kant, Advocate
	Mr. Deovind Kumar Singh, Advocate
	Mr. Dharmesh Kumar Chaubey, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Jehanabad Mahila P.S. Case No. 27 of 2023,
dated 24.08.2023, registered for the offences punishable under
Sections 341, 323, 498A, 354(a) and 506/34 of the Indian Penal
Code.

3. As per allegation, the marriage between the
informant and the petitioner was solemnized in the year, 2019 as



per Islamic Rites and Customs. However, after marriage, demand of additional dowry started by the petitioner and his family members and on account of non-fulfillment of the same, the informant was subjected to cruelty by the petitioner and his family members and ultimately, she has been ousted after assault by the petitioner and co-accused, who are family members of the petitioner.

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 works in another country i.e. Qatar and there is no truth in the allegation of demand of dowry and assault. However, the marriage is not working and hence, this false case has been filed. He further submits that the petitioner has already filed one matrimonial petition for divorce which is pending consideration of the Family Court, Jehanabad. He further submits that this case has been filed as a counterblast to Jehanabad P.S. Case No. 809 of 2023 registered for the offences punishable under Sections 147, 148, 448, 341, 323, 324 and 504 of IPC against the informant-wife and her family members. He also submits that the maximum punishment prescribed for the alleged offence is three years and all the co-accused have already been enlarged on



anticipatory bail by the Court below itself.

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 one criminal antecedent.

7. However, learned APP for the State and learned counsel for the informant vehemently oppose the prayer of the Petitioner for bail submitting that the informant-wife has been subjected to cruelty for non-fulfillment of demand of dowry and the co-accused, who is brother of the petitioner, has intention to have sexual favour. They further submit that the petitioner has not given even a single paisa to his informant-wife, though he is working in Qatar, earning about Rs. 7 lac per month. He is also not keeping his wife at her matrimonial home despite her willingness.

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 learned concerned Court Below, in connection with Jehanabad Mahila P.S. Case No. 27 of 2023, subject to the conditions as laid down under Section 482 (2) of the 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 other than the disclosed one, 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.

9. Considering the rival submissions of the parties, it appears that matrimonial dispute has arisen between the parties, for the reason best known to them. However, the remedy lies before the Family Court, the informant may file her maintenance petition before the Family Court as well as restitution of conjugal rights.

10. At this stage, learned counsel for the informant informed that the informant has already filed one matrimonial



petition, but the petitioner is avoiding to appear before the
Family Court in the maintenance proceeding.

(Jitendra Kumar, J)

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