

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40308 of 2025

Arising Out of PS. Case No.-13 Year-2020 Thana- NTPC District- Bhagalpur

Md Shahbaz Alam @ Md Shahwaj Alam S/o Abdul Ghaffar Resident of H. No.083, Chandwara, Bindeshwari Compound, Azad Road, P.O. Muzaffarpur, P.S.- Kotwali, Distt. Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jaha Ara Khatoon W/O Md. Shahbaz Alam @ Md. Shahwaj Alam, D/O Md Shamsheer Alam R/O Bhader, P.S.- NTPC, Dist.- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 08-10-2025

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with N.T.P.C. P.S. Case no.13 of 2020 registered for the offence punishable under sections 498A and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the informant was married to the petitioner in the year 2018. There is allegation of demand of dowry and torture against the accused persons including the petitioner herein who happens to be the husband of the informant.

4. Learned counsel for the petitioner submits that



the petitioner has been falsely implicated in the case only on account of his being the husband of the informant. The allegations levelled in the FIR are all false and concocted. There is an unexplained delay of three months in lodging of the FIR. On the alleged date of occurrence, the petitioner was at his job site which would be evident from the attendance register as also the certificate issued by the employer brought on record. Chargesheet has been submitted in the case without giving benefit of section 41 Cr.P.C. and the petitioner has no criminal antecedent. It is finally submitted that while a maintenance case was filed by the informant in the year 2019, it was subsequently that the instant FIR has been registered in the year 2020 on the false and incorrect allegations.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that there is direct allegation of torture against the petitioner who happens to be the husband of the informant. The informant filed a maintenance case in the learned Court below wherein the petitioner was directed to pay a maintenance of Rs.10,000/ per month w.e.f. 18.12.2019 and thus upto September, 2025, a total amount of Rs.6,90,000/ remains payable out of which only a sum of



Rs.2,30,000/ was paid by the petitioner. The total amount of Rs.4,60,000/ still remain outstanding to be paid by the petitioner.

6. In response, it is submitted by learned counsel for the petitioner that he is jobless and is looking for a job. As soon as he gets job, he will be making all endeavour to pay the same within a reasonable period.

7. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR together with the petitioner not even having complied with the direction of the learned Court below passed in the maintenance case, in the facts of the case, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

8. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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