

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39051 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- SATHI District- West Champaran

Atikur Rahman @ Mohammad Phul, aged about 34 years, Male, S/O Iftekhar Shekh @ Sheikh Iftekhar @ Sk. Iftekhar R/O Village- Daniyal Parsauna, P.S.- Sathi, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulnaj Begam, aged about 23 years, Female, W/O Atikur Rahman, D/O Md. Amzad R/O Village - Daniyal Parsauna, P.S. Sathi, District-West Champaran. Present Address Village - Barbiro Devraj, P.O. - Baswariya, PS Lauriya, District West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-06-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel

 appearing on behalf of the petitioner and Mr. Suresh Prasad

 Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Sathi P.S. Case No. 16/2025 registered for the offence(s) punishable under Sections 126(2), 115(2), 74, 356(2), 86, 352, 351(2), 3(5) of the BNS and Sections 3,4 of Dowry Prohibition Act and Sections 66 and 67 of IT Act.

3. As per the allegation made in the FIR, informant has alleged that the petitioner who is her husband is impotent and elder brother of her husband tried to take undue advantage



of the said condition of his brother and tried to commit wrong with her.

4. Learned counsel appearing on behalf of the petitioner submitted that the informant who is wife of the petitioner has filed the present FIR and at the same time, she has also filed maintenance case under Section 13 of the Hindu Marriage Act, 1955. In the present FIR, entire family members of the petitioner has been made accused on the sole ground that petitioner is impotent and he is not able to satisfy the informant. In want of any evidence in this regard, the allegation cannot sustain.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6 Considering the strained relationship between the parties and also the fact there is very minuscule evidence with regard to allegation of having tortured the informant, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 6th, Bettiah, West Champaran in connection with Sathi P.S. Case No. 16/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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