

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45295 of 2025

Arising Out of PS. Case No.-34 Year-2024 Thana- COMPLAINT CASE District- Araria

Md. Huzefa @ Md. Hufeza @ Md. Hazaifa son of Abbas Village -Metan
Ward No 02 Police Station- Tarabari District -Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Asmina Praveen Wife of Md. Huzefa village- Madanpur Chandbhah,
Ward no. 01, Ps- Madanpur (araria), Dist- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kundan Kumar Singh, Advocate
For the State	:	Md. Iftexhar Mahmood, APP
For the O.P. No. 2	:	Mr. Rohit Kumar, Advocate
		Mr. Sanjay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the O.P. No. 2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Araria Complaint Case No. 34(C) of 2024,
registered for the offences punishable under Section 498A/34 of
the Indian Penal Code and Section 34 of D.P. Act.

3. As per allegation, marriage between the petitioner
and the complainant was solemnized in the year, 2011 as per
Muslim Rites and Customs. However, after 8 years of marriage,
additional demand of dowry started on behalf of the petitioner-
husband and on account of non-fulfillment of the same, she was
subjected to torture. It is further alleged that the petitioner-



husband also entered into second marriage and the complainant has been ousted from the matrimonial home and hence, she has been living at her parental home. She had given birth to four children, but all are dead.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that there is no substance in the allegation of demand of dowry. The petitioner has been implicated in this case only on account of he being solemnized the second marriage with another lady as per Muslim Personal Law. The petitioner is also willing to keep his informant/wife with all love and dignity.

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 no criminal antecedents.

7. However, learned APP for the State and learned counsel for the Informant vehemently oppose the prayer of the Petitioner for bail submitting that after entering into the second marriage, the petitioner-husband has been cruel to the complainant and she has been ousted from the matrimonial



home.

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 Araria Complaint Case No. 34(C) of 2024, 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, 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. From the rival submissions of the parties, it appears



that there is matrimonial discord between the parties and it is better for them to move Family Court for resolution of all their disputes. The complainant/wife has liberty to file matrimonial petition for restitution of conjugal rights as well as maintenance.

(Jitendra Kumar, J)

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