

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52812 of 2025

Arising Out of PS. Case No.-816 Year-2023 Thana- COMPLAINT CASE District-
Kishanganj

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Mohd. Kouser Alam @ Md. Kaiser Alam @ Munna S/o Mohd. Mustafa R/o
Dimhat, P.S.- Galgaliya, District- Kishanganj, at present Resident Plot No. 2,
Ground Floor Western Marg Kehar Singh Estate, Saidul Azaib, South Delhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulapsha Khatun D/o Md Mudi R/o churali Hat, P.S- Kurli Court, Distt.-
Kishanganj

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Md. Reyaj, Advocate
For the State	:	Mr. Abhay Kumar, APP
For Opposite Party No. 2:	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Despite valid service of notice, nobody appears on
behalf of the complainant/Opposite Party No. 2.

3. The petitioner apprehends his arrest in a complaint
case registered for the offences punishable under Sections 313,
323, 341 and 498A of the Indian Penal Code and Sections 3 and
4 of the Dowry Prohibition Act.

4. The prosecution case, in nutshell, is that marriage
of the complainant was solemnized with this petitioner as per
Muslim rites and rituals on 29.09.2022. It is alleged that after



marriage, all the accused persons named in the complaint petition, including this petitioner, subjected the complainant to torture and harassment due to non-fulfillment of demand of dowry.

5. It is submitted on behalf of petitioner that petitioner is quite innocent and has committed no offence. Petitioner has falsely been implicated in this case merely because happens to be husband of the complainant. As a matter of fact, the complainant had an extra marital affair with one Manjeet and when the petitioner objected, this false and concocted case has been lodged. Petitioner has also sent divorce notices dated 26.07.2023, 10.10.2023 and 21.11.2023 through registered post to the complainant and subsequently, filed a divorce case bearing M.L. 09/2024 before the learned Principal Judge, Family Court, South Delhi at Saket Court, New Delhi. There are general and omnibus allegations. As a matter of fact, the petitioner at no point of time demanded any dowry or committed torture. It is further submitted that petitioner is still ready to keep the complainant, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, learned counsel for the petitioner has relied upon a judgment of this Court in the case of *Md.*



Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in **2006(3) PLJR 182**. Petitioner claims clean antecedents.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of petitioner.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

8. Accordingly, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kishanganj in connection with Complaint Case No. 816 of 2023, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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