

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50745 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- MORKAHI District- Khagaria

Md Sadab S/O Md Alim R/O Vill.- Kanjari, Ward no. 01, Kangri, P.S.- Beldaur, Dist- Khagaria- 852161

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 54386 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- MORKAHI District- Khagaria

Gulashan Ara W/O Late Movin @ Late Md. Mobinuddin Resident of Madar South, P.S.- Morkahi, Dist.- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Roshani Khatoon D/O Md. Rizwan R/O Kainjari, Ward no. 1, P.S.- Beldaur, Dist.- Khagaria.

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 50745 of 2025)
For the Petitioner/s : Mr. Anand Sharan, Adv
For the Opposite Party/s : Mr. Shantanu Kumar, APP
For the Informant : Ms. Dipti Divya, Adv.
(In CRIMINAL MISCELLANEOUS No. 54386 of 2025)
For the Petitioner/s : Mr. Md Ataul Haque, Adv.
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-11-2025

CR. MISC. No.50745 of 2025

Heard the parties.

2. The petitioner is named in the F.I.R. and
apprehending his arrest in connection with Morkahi P.S. Case



No. 23 of 2025 registered for the offences punishable under Sections 372, 373, 376, 386, 498A, 504, 506, 34 of the Indian Penal Code and Section 3 and 4 of DP Act, Section 3 and 4 of the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018, and Section 5 of Immoral Traffic (Prevention) Act, 1956.

3. FIR is founded upon Complaint Case no. 575C of 2024 filed before learned CJM, Khagaria, wherein it is alleged that petitioner alongwith husband of the daughter of the complainant, creates an impression that this petitioner was in illicit relationship with her daughter which may help the husband of her daughter to get divorce from her daughter. The complainant is the mother of the victim. The allegation of dowry demand is also available, which was for Rs. 5 lakhs and 50 grams gold. The mother of the victim alleged to force her daughter to join prostitution.

4. It is submitted by learned counsel appearing on behalf of the petitioner that apparently this petitioner is the cousin brother of the complainant and the present allegation raised in the background of dowry demand. It is submitted



that the impression of illicit relation alleged through complaint is only out of presumptions. It is pointed out that even as per the complaint, no allegation of rape is available against this petitioner. While concluding arguments, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposed the prayer of bail.

6. Learned counsel for the informant while opposing the prayer of bail submitted that this petitioner was actively involved in the occurrence as an accomplice of the husband of the complainant.

7. In view of aforesaid factual submission and by taking note of fact as allegation of rape is *prima-facie* not appears to available against this petitioner, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Khagaria/ concerned Court, where the case is pending in connection with Morkahi P.S. Case No. 23 of 2025, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

CR. MISC. No. 54386 of 2025

Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending her arrest in connection with Morkahi P.S. Case No. 23 of 2025 registered for the offences punishable under Sections 372 373, 376, 386, 498A, 504, 506, 34 of the Indian Penal Code and Section 3 and 4 of DP Act, Section 3 and 4 of the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018, and Section 5 of Immoral Traffic (Prevention) Act, 1956.

3. FIR is founded upon Complaint Case no. 575C of 2024 filed before learned CJM, Khagaria, wherein it is alleged that petitioner alongwith husband of the daughter of the complainant, creates an impression that this petitioner was in illicit relationship with her daughter which may help the husband of her daughter to get divorce from her daughter. The complainant is the mother of the victim. The allegation of dowry demand is also available, which was for Rs. 5 lakhs and



50 grams gold. The mother of the victim alleged to force her daughter to join prostitution.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner implicated with present case only being the mother-in-law of the daughter of the complainant/ informant. It is pointed out that save and except omnibus type of allegation as to help co-accused namely, Md. Tausif who is the son-in-law of the complainant, nothing incriminating appears available against this petitioner, who is a lady of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Learned counsel for the informant while opposing the prayer of bail submitted that this petitioner being mother-in-law of the complainant played an active role during the occurrence.

7. In view of aforesaid factual submission and by taking note of fact as the petitioner is mother-in-law of the daughter of the complainant/informant, accordingly petitioner above-named, in the event of her arrest or surrender before the court below within a period of four weeks, is directed to be



released on bail, furnishing bail bond of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned learned CJM,
Khagaria/concerned Court, where the case is pending in
connection with Morkahi P.S. Case No. 23 of 2025, subject to
the conditions as laid down under Section 438(2) of the
Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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