

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57129 of 2025

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

Md. Tausif Alam @ Md. Tausif S/O 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 Resident of Kainjari ward no. 1, P.S.- Beldaur, Dist.- Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ataul Haque, Adv.
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-11-2025 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 complainant, creates an impression that this petitioner was in illicit relationship with the complainant, which may help the husband of the complainant to get divorce. 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 the marriage of the petitioner was solemnized with the informant/ complainant already dissolved by way of "*Khula*". Learned counsel relied upon Annexure P/2 running from page 23 to 26 of the present petition. It is pointed out that subsequently due to certain difference after obtaining "*Khula*"/ divorce the present complaint case was filed by the mother-in-law of this petitioner alleging that her daughter was divorced by using triple talak which is now illegal. While concluding arguments, it is submitted that petitioner is a man of clean antecedent.



5. Learned APP opposes the prayer of bail.

6. Learned counsel for the informant while opposing the prayer of bail conceded qua "*Khula*" / divorce but submitted that signature of daughter of the complainant was obtained forcibly.

7. Considering aforesaid factual submission and by taking note of fact as petitioner is the husband, with whom marriage of the complainant was already dissolved through "*Khula Nama*" dated 29.06.2024 as discussed aforesaid prior to lodging present case, 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 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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