

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57545 of 2025

Arising Out of PS. Case No.-48 Year-2024 Thana- KATIHAR COMPLAINT CASE District-
Katihar

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Asnaul Ansari @ Md. Asnaul Ansari, S/o Shamsher Ansari, R/o Village -
Brahamain, P.S - Azamnagar, District - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahnaj Khatoon, W/o Asnaul Ansari @ Md. Asnaul Ansari, D/o Md.
Naushad, R/o Village - Barhamain, P.S - Azamnagar, District - Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.,Ajit Kumar Singh, Advocate.
For the State : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 48 of 2024 dated
6.1.2024 filed for the offences punishable under Sections 498A,
406 and 120B/3 of the Indian Penal Code and Section 4 of
Dowry Prohibition Act.

3. As per allegation, the marriage between the
complainant and the petitioner was solemnized eight months
prior to lodging of the complaint and after marriage, she joined
the matrimonial home but, just after two months of the
marriage, demand of additional dowry of Rs.5,00,000/- and a



Motorcycle started and on account of non-fulfillment of the same, the complainant was subjected to cruelty and she is living at her *Maike*.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, there is no marriage at all between the complainant and the petitioner because forcibly the marriage of the complainant was solemnized with the petitioner on account of threat. Hence, there was no consent on the part of the petitioner and for want of any valid consent, the marriage is void and this case has been falsely filed to harass the petitioner because the petitioner is not interested to keep his wife without marriage.

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 vehemently opposes the prayer of the Petitioner for bail.

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 Complaint Case No. 48 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 antecedent, 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.

(Jitendra Kumar, J)

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