

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57984 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- COMPLAINT CASE - NAUGACHIA
District- Bhagalpur

Md. Ahsan, S/O Md. Wakil, R/O Village- Milki, P.S- Bihpur, Distt.-
Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandni Khatoon, D/O Md. Rizwan, R/O Village- Purbigharari, P.S- Kharik,
Dist.- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Md. Nazir Ansari, APP

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. 36 of 2024, dated 02.02.2024 registered for the offences punishable under Sections 498A, 323, 307, 324 read with Section 34 of Indian Penal Code and Section 34 of Dowry Prohibition Act. However, cognizance has been taken only under Section 498A IPC and Section 34 of D.P. Act.

3. As per allegation, the marriage between the complainant and the petitioner was solemnized as per Muslim Rights and Customs about six months ago. As per further allegation, subsequent to the marriage, the complainant joined the matrimonial home of the petitioner and thereafter, demand



of additional dowry started and on account of non-fulfillment of the same, she was subjected to cruelty and assaulted and ultimately, she was ousted from the matrimonial home.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that just after the marriage, the brother of the complainant-wife started interfering in matrimonial life of the petitioner and his complainant-wife and this leads to tension in their matrimonial life and ultimately, the complainant-wife left the matrimonial home on her own. He further submits that the case filed by the complainant-wife is false and fabricated only with intent to harass the petitioner. He further submits that the cognizance has been taken only under Section 498A IPC and Section 34 of D.P. Act for which maximum punishment prescribed for the offence is up to three years.

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 one criminal antecedent.

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. 36 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 other than the disclosed one, 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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