

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66012 of 2024

Arising Out of PS. Case No.-1276 Year-2022 Thana- PHULWARISHARIF District- Patna

Md. Firoz Alam @ Firoz Alam Son of Late Md. Islam Ansari Resident of
Dumri, Near Dominia Pul, P.S. and P.O.- Bihta, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shakina Bano wife of Md. Firoz Alam daughter of Md. Jahangir Resident of
Taz Nagar Karbala P.S. and P.O. Phulwarisharif, Patna (801505)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Shahid Akhtar

For the Opposite Party/s : Mr. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 08-05-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Phulwari Sharif Police Station Case No. 1276 of
2022, disclosing offences under Sections 498(A), 323, 341, 307,
406, 34 of the Indian Penal Code.

3. As per the Complaint-cum-FIR, the complainant
was married with the petitioner on 28.11.2010. It has been
alleged that after some time of marriage, the petitioner and his
other family members started demanding sum of Rs 2 lakhs as
dowry, and due to non-fulfillment of the demand, the informant
was tortured mentally and physically by the petitioner and



others.

4. Learned Counsel for the petitioner submits that the marriage was solemnized in 2010 and the FIR complaint was lodged after 12 years of marriage. Out of the wedlock between the petitioner and the complainant, one girl child was born who is aged about 12-13 years. The fact of the matter is that the petitioner is working in Saudi Arabia and comes for one month in two years. The complainant is not residing in her matrimonial home and continuously resides at her parental home. This is the reason of incompatibility between petitioner and the complainant. Lastly, when the petitioner came from Saudi Arabia in 2023, he called his wife i.e. complainant but she refused to come back to her matrimonial home. The allegation of assault is false and concocted. No injury report has been brought on record by the prosecution.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of offence and the circumstances of the case and the fact that there is dispute between the husband and wife, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of



his arrest or surrender before the Court below within four weeks, be released 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 Additional Chief Judicial Magistrate XIV, Patna, in connection with Phulwari Sharif Police Station Case No. 1276 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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