

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77633 of 2025

Arising Out of PS. Case No.-746 Year-2025 Thana- MOTIHARI TOWN District- East
Champaran

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Saif Khan @ Saif S/o Md. Ekbal Khan R/o Nakachhed Tola, ward no. 4, Naka
No. 2, P.S.- Motihari Town, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jainab Fatma W/o Saif Khan @ Saif R/o Paithan Patti, Panch Mandir
Chowk, P.S- Motihari Town, Distt.- East Chamapran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ali Muqtadir Ahmad, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 11-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Motihari Town P.S. Case No. 746 of 2025 dated
02.08.2025 registered for the offences punishable under
Sections 85, 92, 352, 351(2) read with Section 3(5) of the
B.N.S.

3. As per the prosecution case, the informant alleged
that after few days of her marriage she came to know that her
husband has an illicit relationship with several woman. When
she asked about the same then her husband assaulted her. It is
further alleged that the petitioner attempted to administer



medicine to her for causing miscarriage and lastly the petitioner assaulted her brutally due to which she had a miscarriage.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that there is no medical injury report in support of the alleged abortion. The petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner has relied upon the judgment of this Court in the case of **"Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182."** Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351** and **Md. Asfak Alam Vs. The State of Jharkhand & Anr passed in Criminal Appeal No(s). 2207 of 2023** arising out of Special Leave Petition (CRL.) No. 3433 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.



6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 746 of 2025, subject to conditions as laid down under section 482(2) of the B.N.S.S. with further condition:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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