

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2647 of 2025

Arising Out of PS. Case No.-298 Year-2023 Thana- COMPLAINT CASE District-
Kishanganj

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Asif Iqbal @ Asif Ali, S/o Nurul Hoda, R/o vill - Mohiddinpur near
Mohiuddinpur Jama Masjid, P.S. - Kishanganj, Distt.- Kishanganj

... .. Petitioner

Versus

1. The State of Bihar
2. Nurani, W/o Asif Iqbal @ Asif Ali, R/o vill - Mohiuddinpur near
Mohiuddinpur Jama Masjid, P.S.- Kishanganj, Distt.- Kishanganj. At present
residing D/o Md Sagir, R/o vill - Gunjaria Bazar, P.O.- Gunjaria, P.S. -
Islampur, Distt.- Uttar Dinajpur (W.B.)

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate.
For the Statre : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 13-05-2025 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.298 of 2023 dated
27.04.2023 filed for the offences punishable under Sections 324,
498-A, 494, 120-B and 34 of the Indian Penal Code and Section
4 of Dowry Prohibition Act, but cognizance has been taken
under Section 498-A of the Indian Penal Code.

3. As per allegation, marriage between petitioner and
the Complainant was solemnized on 04.09.2021 according to
Muslim rites and customs. Subsequently, the Complainant came



to know that the petitioner was already married having two children out of the previous wedlock and when protest was made by the Complainant/wife, the petitioner stated that he had remarried for dowry. The Complainant/wife somehow started living with the petitioner, but additional demand of dowry started on the part of the petitioner and on non-fulfillment of the same, she was subjected to cruelty by the petitioner and ultimately, she has been 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 the petitioner has already married having children with the previous wife and the marriage with the Complainant was forcibly solemnized by the family of the Complainant. Hence, marriage is not working and this false case has been filed.

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 antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.



8. On the basis of material on record and submission of the petitioner, it appears that there is matrimonial disputes between the complainant and petitioner and marriage is not working and hence, this criminal case has been filed .

9. 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 concerned court below in connection with Complaint Case No.298 of 2023, subject to the conditions as laid down under Section 482 (2) 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, 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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