

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12488 of 2026

Arising Out of PS. Case No.-1053 Year-2012 Thana- ROHTAS COMPLAINT CASE
District- Rohtas

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Md. Rashid Hussain @ Md. Hussain @ Rinku S/O Late Md.
Mustakim@Niyamuddin Hussain R/O Vill.- Saheen, Sherghati, P.S.-
Sherghati, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Samjida Khatoon W/O Ragib Hussain @ Pintu @ Rajeev Hussain, D/O
Kamruddin Khan R/O Vill.- Tilauthu Bazar, P.S.- Tilauthu, Dist.- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 26-02-2026 Heard the learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.1053 of 2012, dated
18.09.2021 registered for the offences punishable under
Sections 498A, 323 and 506 of the Indian Penal Code.

3. According to prosecution case, Samjida Khatoon



filed a complaint before the Chief Judicial Magistrate, Sasaram, alleging that after her marriage to Hussain three years ago, her husband and in-laws demanded Rs.50,000 as dowry to start a shop. Upon her family's inability to meet the demand, she was allegedly subjected to physical and mental cruelty. After the birth of her daughter, the accused persons' behavior allegedly worsened, they began searching for a second marriage for her husband, and about ten days prior to filing the complaint, they allegedly attempted to burn her by pouring kerosene oil. Eventually, she was allegedly assaulted, her belongings were snatched, and she was driven out of her matrimonial home. On the basis of the complaint, Complaint Case No. 1053 of 2012 was registered under Sections 498A, 323, and 506 of the Indian Penal Code against the petitioner and others, and investigation was initiated.

4. Learned counsel for the petitioner submits that the petitioner is in no way connected with the day-to-day affairs of the complainant and her husband, as the petitioner, being the brother-in-law, is residing at a different place and maintains a separate mess. Upon coming to know about the allegations levelled against him, the petitioner moved an application for grant of anticipatory bail before the learned Sessions Judge,



Rohtas at Sasaram, and vide order dated 26.03.2014 passed in A.B.P. No. 619 of 2014, he was granted the privilege of anticipatory bail. Thereafter, the petitioner went out of the State to earn his livelihood. Due to lack of knowledge and awareness of the legal implications, he could not surrender and furnish the bail bonds. After returning from his place of work, he filed a fresh anticipatory bail application, as the period for surrender had already elapsed and did not have the knowledge that the case is still pending. However, vide impugned order dated 03.11.2025, the learned Sessions Judge, Rohtas at Sasaram refused to entertain the said anticipatory bail application on the ground of delay. It is submitted that the earlier order itself reflects that there is nothing against the petitioner, who is merely the brother-in-law of the complainant, has been implicated in the instant case, while no specific role is attributed.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that the learned Trial Court after appreciating the conduct and complicity of this petitioner, had granted the privilege of anticipatory bail, therefore, taking into account the



consideration so made and as also by looking at the allegations levelled against this petitioner and the petitioner having clean antecedent, accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 the learned Chief Judicial Magistrate, Sasaram, Rohtas, in connection with Complaint Case No.1053 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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