

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15508 of 2026

Arising Out of PS. Case No.-43 Year-2025 Thana- MAHILA P.S District- West Champaran

Afzal Alam S/o Late Noorjan Miyan @ Late Noorjan Ali R/o vill - Basara,
P.S.- Majhauiliya, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kirdar Phatima @ Kirdar Fatma W/o Afzal Alam R/o vill - Basara, Ward no. 3, P.S.- Majhauiliya, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kashyap, Advocate
For the State	:	Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

4 20-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. It appears from the office report dated 29.04.2026 that notices were received by the brother of the opposite party no. 2 and on the basis of the same, vide order dated 06.05.2026 passed in this case, the matter was directed to be listed under the heading 'For Admission'.

3. Today, the matter has been listed under the heading 'For Admission' and despite service of notice through process server, which has been received by the brother of the opposite party no. 2, none appears for the opposite party no. 2.

4. The petitioner apprehends his arrest in connection with Bettiah Mahila P.S. Case No. 43 of 2025, for allegedly having committed offence under Sections 85, 115(2), 127(2), 3(5) of the



BNS and under Section 3/4 of the Dowry Prohibition Act.

5. As per the prosecution story which has been lodged on the basis of the written report submitted by the informant to the effect that her marriage was solemnized with the petitioner about three years ago and in her marriage, her father spent approximately Rs. 5 lakhs. When she went to her matrimonial home, after some days, the petitioner and his family members started demanding Rs. 5 lakhs towards dowry and a four-wheeler. She further alleged that due to non-fulfillment of the demand of dowry, she was mentally and physically tortured and out of the wedlock, she gave birth to a child who is approximately four months old. It has further been alleged that on 02.09.2025 at about 10:00 AM, all the family members of the petitioner assaulted her and snatched her *stree dhan* and she was ousted from the house. A Panchayati was conducted, but her in-laws are not ready to accept the decision of the Panchayati.

6. Learned counsel appearing on behalf of the petitioner submits that the prosecution case is entirely false and concocted. No such occurrence has taken place. The occurrence is of 02.09.2025 and the First Information Report has been lodged after a delay of almost 25 days i.e. on 27.09.2025 and no explanation has been given in the First Information Report with regard to the delay. It is further submitted that the petitioner is the husband and he is ready to keep his wife with full dignity and honour. It is further submitted that the marriage of the petitioner is a *gulty* marriage since the marriage of



the sister of the petitioner was solemnized with the brother of the informant and the informant is the wife of the petitioner, therefore, there is no question of demand of any dowry. It is further submitted that the petitioner is an accused in one another case i.e. Majhauriya P.S. Case No. 605 of 2021 in which he is on bail.

7. Per contra, the learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner, being the husband of the informant has a duty cast upon him to keep his wife with full dignity in which he has failed.

8. Having considered the rival submissions and after going through the records, it appears that the marriage of the petitioner was solemnized with the informant in 2022 and it is also a fact, that the marriage of the sister of the petitioner was solemnized with the brother of the informant. Further, despite notices issued and validly served upon the opposite party no. 2, she chooses not to appear in the present proceeding and it has been stated in the petition that the petitioner is ready and willing to keep the wife i.e. the informant with full dignity.

9. Considering the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Mahila P.S.



Case No. 43 of 2025, subject to the conditions as laid down under
Section 482(2) of the B.N.S.S., with a further condition that :-

The learned court concerned shall verify the criminal
antecedent of the petitioner and in case at any stage it is found that
the petitioner has concealed his criminal antecedent, the court
concerned shall take steps for cancellation of bail bond of the
petitioner. However, the acceptance of bail bond in terms of the
above-mentioned order shall not be delayed for purpose of or in the
name of verification.

(Ritesh Kumar, J)

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