

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18539 of 2026

Arising Out of PS. Case No.-102 Year-2025 Thana- MAHILA PS District- Darbhanga

Nematullah @ Md. Nematullah, S/o Md. Shamsul @ Shamshul Haque, R/o Village - Ankhauli Belpakauna, P.S - Jajuar @ Jajuara, District – Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Khurshida Praveen, W/o Md. Nematullah @ Nematullah, D/o Md. Abidul, R/o Village - Muhamadpur Bujurag, Bharbara, P.S - Kamtaul, District – Darbhanga.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Baidyanath Prasad, Advocate
For the State	:	Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 17-06-2026 Notice was issued to the Opposite Party No.2 and even appearance has been filed by an advocate on her behalf, but nobody is present on behalf of the O.P. No.2/Informant.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioner seeks bail, apprehending his arrest, in connection with Mahila P.S. Case No.102 of 2025, dated- 18.07.2025 registered for the offences punishable under Sections 85, 126(2), 115(2), 351(2), 3(5) of the B.N.S., 2023 and Section 3 / 4 of the Dowry Prohibition Act.

4. As per allegation, the marriage of the Informant was solemnized with the Petitioner in the year 2022 as per



Islamic rites and customs and one daughter is also born out of the wedlock. However, subsequently, demand of dowry of Rs.5,00,000/- started and on account of non-fulfillment of the same, the Informant/Wife has been subjected to torture in various ways. Even threat to solemnized second marriage was given by the Petitioner/Husband to the Informant/Wife and she has been ousted from the matrimonial house on 14.07.2025.

5. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that there is no truth in the allegation that any demand of dowry was made by the Petitioner or any cruelty was committed by the Petitioner against his wife. The alleged grievance of the Informant/wife regarding threat to solemnize second marriage itself shows that she is interested to live with the Petitioner/husband and this case has been lodged only with intent to put pressure on the Petitioner to live with her at her *maike* to which he is not agreeable. It is also submitted that there is no matrimonial dispute going on between the parties.

6. 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.



7. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

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

9. Considering the nature of allegation and maximum punishment prescribed for the alleged offence being three years, **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 learned concerned Court below, in connection with Mahila P.S. Case No.102 of 2025, subject to the conditions as laid down under Section 482 (2) of the 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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