

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23201 of 2025

Arising Out of PS. Case No.-2192 Year-2023 Thana- COMPLAINT CASE District- Araria

Md. Jafar @ Jafar Alam @ Jafar, Son of Jamal, R/o Village- Gadhakat, Ward
No. 08, P.S.- Sikti, District- Araria

... .. Petitioner

Versus

1. The State of Bihar
2. Jeba Khatoon, W/o Md. Jafar @ Jafar Alam @ Jafar, R/o Village-Gadhakat,
Ward No. 08, P.S.- Sikti, District- Araria

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Madhav Jha, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP
For the O.P. No.2	:	Mr. Raj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 20-01-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for the complainant/O.P. No.2.

2. The accused/petitioner is named in the complaint
petition and apprehending his arrest in connection with
Complaint Case No.2192C of 2023 in which cognizance has
been taken for the offence punishable under Sections 323 and
498-A of the Indian Penal Code.

3. Allegation against petitioner is to assault the
complainant/O.P. No.2 due to non-fulfilment of further demand
of dowry as raised for cash of Rs.10 lakhs.

4. It is submitted by learned counsel appearing for
petitioner that petitioner solemnized marriage with another



women during subsisting his first marriage with complainant. It is pointed out that the allegation *qua* physical assault and demand of dowry appears very much general and omnibus in nature. It is submitted that raising allegation without any cogent material that petitioner was under intention to cause death in itself a cruelty as on basis of available materials, no cognizance was taken by the learned Jurisdictional Magistrate for the offence punishable under Section 307 of the Indian Penal Code. It is submitted that no cognizance was also taken for the offence punishable under Section 494 of the Indian Penal Code for the reason that petitioner is a Muslim and as per his personal law, he can solemnize marriage with another woman subsisting his first marriage as per his personal law.

5. The learned APP duly assisted by learned counsel appearing for the complainant/O.P. No.2 could not disputed the aforesaid submissions. It is submitted by learned counsel appearing for complainant that petitioner is of non-cooperative in nature for the reason that he intentionally not appeared before the learned trial court and also did not join the mediation proceeding before this Court. It is submitted that in view of conduct of petitioner, his prayer of anticipatory bail should be



rejected.

6. Let it be so, as allegation *qua* committing mental and physical cruelty appears general and omnibus in nature *qua* petitioner, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to 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 S.D.J.M., Araria in connection with Complaint Case No.2192-C of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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