

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31113 of 2021

Arising Out of PS. Case No.-16 Year-2020 Thana- MAHILA P.S. District- Purnia

Md. Moinuddin Azad @ Moin Azad @ Moinuddin Azad, S/O Syed
Ashraf Ali, R/o village- Khushhalpur, P.S.- Paranpur, District- Katihar
... .. Petitioner

Versus

1. The State of Bihar
2. Ekta Rani Sah W/o Moin Azad Resident of Subhash Nagar, Gokul
Krishna Ashram Road, P.S.- Sahayak, District- Purnea
... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Syed Quaisar Hussain, Advocate
For the Opposite Party/s : Mr.Md. Sufiyan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 27-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Mahila P.S. Case No. 16 of 2020 registered for the offences punishable under Sections 341, 323, 498A, 504 & 506 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The allegation against the petitioner is to commit mental and physical cruelty upon the informant due to non-fulfillment of demand of dowry as raised for a cash of Rs. One Lakh.

4. Learned counsel appearing on behalf of the



petitioner submitted that in fact the petitioner was in love with the informant and out of said affairs they solemnized marriage being major.

5. In this context, learned counsel submitted that marriage was duly registered in terms of 5th schedule (Section 16) of Special Marriage Act, before the Marriage Officer, Patna. It is pointed out that same was registered on 18.04.2009.

6. Arguing further, it is submitted that as the love affairs and marriage of the informant was not approved by her parents being different religion, a police case was registered against the petitioner as Katihar Town P.S. Case No. 181 of 2008 on 18.06.2008 for the offences punishable under section 366, 366A & 363 of the I.P.C., where, after considering the materials available on record, one of the learned coordinate Bench of this Court granted bail to the petitioner vide order dated 07.11.2008 as passed in Cr. Misc. No. 29372/2008 (**Annexure '3'**).

7. It is submitted that under parental pressure, the informant left the house of the petitioner after lodging the



present case and thereafter she started to live with someone else at Delhi. It is pointed out that mobile number of the informant was provided to the concerned S.H.O./I.O., who contacted the informant over phone disclosing present pending proceeding but she refused to appear before the court. In this context, learned counsel pointed out para '2' of the order dated 03.04.2023 as passed in the present case.

8. It is also submitted by learned counsel that aforesaid FIR was lodged with a delay of seven (7) days i.e. for the occurrence dated 15.08.2020, the present FIR was lodged on 22.08.2020 without explaining delay, which further suggests that in drunken condition, some hot-exchange took place between the informant and the petitioner. In this context, it is submitted that merely on the basis of threat and suspicion, the present FIR was lodged against the petitioner.

9. Learned A.P.P. for the State opposes the prayer of anticipatory bail of the petitioner.

10. Despite of information to the informant, as discussed aforesaid, she failed to appear before this Court as to join the present proceeding.



11. In view of aforesaid factual submission and by taking note of the fact as FIR in issue was lodged with a delay of seven (7) days, where *prima facie* allegation of cruelty was raised primarily for advancing threat to commit murder, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate - Purnea/concerned court in connection with Mahila P.S. Case No. 16 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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