

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27828 of 2025

Arising Out of PS. Case No.-713 Year-2020 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Md. Mushtaque S/o Md. Hashim R/o Vill.- Khajasarai, P.S.- Laheriasarai,
District- Darbhanga. Petitioner/s

Versus

1. The State of Bihar.
2. Tanisha W/o Md. Mustaque, D/o Md. Shaukat Ali R/o Vill.- Khajasarai, P.S.- Laheriasarai, District- Darbhanga. At present Kano Vishanpur, P.S.- Khanpur, Distt.- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prasoon Kumar, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 15-01-2026 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner apprehending his arrest in connection with Complaint Case No. 713(C)/2020 registered for the offences punishable under Sections 323 and 498(A) of the Indian Penal Code.

3. The allegation against the petitioner is to demand a cash of Rs. one lac and a bullet motorcycle as dowry and due to non-fulfillment of same, the petitioner and his family members assaulted and tortured complainant in various ways and finally ousted the complainant after returning her all



belongings. It is also alleged that the accused persons tried to ablaze her and also threatened her to solemnize second marriage of the accused petitioner with another lady.

4. It is submitted by learned counsel appearing on behalf of the petitioner that considering the narration of the complainant, the learned jurisdictional Magistrate took cognizance only for the offence alleged to be committed punishable under Sections 323 and 498 of the Indian Penal Code. It is pointed out that the allegation to ablaze complainant found not correct during inquiry and, moreover, the allegation *qua* demand of dowry in cash and also motorcycle appears very much general and omnibus in nature. Petitioner claimed clean antecedent.

5. Despite of service of notice, opposite party no. 2 failed to join the present pending proceedings.

6. In view of aforesaid factual submissions and by taking note of nature of allegation, which is appearing very much general and omnibus against petitioner *qua* physical assault and cruelty, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed



to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Darbhanga/concerned Court, where the case is pending in connection with Complaint Case No. 713(C)/2020 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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