

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27174 of 2026**

Arising Out of PS. Case No.-2001 Year-2024 Thana- KATIHAR COMPLAINT CASE  
District- Katihar

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Md. Ashif Alam S/o Md. Khurshid Alam, R/o Village - Hasinapur, Siz Tola,  
P.S.- Barari, District – Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Asmira Gulab, D/o Md. Afaque R/o Village - Maheshpur, P.O - Shitalmani,  
P.S - Azamnagar, District – Katihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar Jha  
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      29-04-2026                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned Additional Public Prosecutor appearing  
  
on behalf of the State.

2. The accused/petitioner named in complaint  
  
petition and apprehending his arrest in connection with C.A.  
  
Case No. 2001 of 2024 registered for the offences  
  
punishable under Section 85 of Bhartiya Nayay Sanhita and  
  
Section ¾ of D.P. Act.

3. As per complaint, petitioner alleged to commit  
  
mental and physical cruelty upon the complainant alongwith  
  
his family members including parents due to non-fulfillment  
  
of demand of Rs. 5 lakh and one motorcycle, as demanded



in dowry.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the complaint in issue is not supported by affidavit and, therefore, its contents cannot be believed as same appears in contrary to the legal ratio as available through ***Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]***.

5. Arguing further, an attention of this Court was drawn towards para nos. 7 and 10 of the complaint petition, where no specific allegation raised against this petitioner, rather the allegation *qua* demanding dowry and also *qua* assaulting and abused was raised in a very general and specific manner against accused person, without specifying anything. Petitioner claimed clean antecedent

6. Learned APP, duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail submitted that the petitioner is the husband and he is the main person, who demanded dowry but he could not disputed the averments as made under para nos. 7 and 10 of the complaint petition.



7. In view of aforesaid factual submissions and by taking note of the fact as allegation raised against petitioner is appearing very much general and omnibus in nature, as discussed aforesaid, accordingly, above named petitioner, who is the husband of the complainant, 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 S.D.J.M., Katihar/concerned Court, where the case is pending in connection with C.A. Case No. 2001 of 2024 subject to the conditions as laid down under Section 482(2) of the BNSS, with further condition that:-

The learned trial court is directed to explore the possibilities of amicable settlement, if any.

**(Chandra Shekhar Jha, J)**

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