

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33722 of 2026

Arising Out of PS. Case No.-63 Year-2025 Thana- MAHILA P.S. District- Siwan

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Samir Khan S/o Babudin Khan Resident of - Asnand Tola Belsara P.S -
Uchkagao, District – Gopalganj, Bihar 841438. Petitioner/s
Versus

1. The State of Bihar.
2. Najiya Khatun D/o Shekh Mohmmmd Aslam R/o Village P.O. - Bindusar
Bujurg, P.S - Mahadeva, District – Siwan.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Venkatesh Kirti, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-05-2026 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 Siwan Mahila Thana P.S. Case No. 63 of 2025

registered for the offences punishable under Section 85 of the

BNS, 2023 and Section $\frac{3}{4}$ of Dowry Prohibition Act, 1961.

3. The allegation against the petitioner is to commit

mental and physical cruelty upon the informant alongwith family

members/co-accused persons due to non-fulfillment of demand of

dowry, as raised for cash of Rs. 8 lakhs.

4. It is submitted by learned counsel appearing on

behalf of the petitioner that the present FIR was lodged purely on



the basis of concocted allegation as if the facial allegation of the FIR be taken into consideration, then it appears that the informant/wife was ousted from her matrimonial home on 20.03.2024 after keeping her jewelries and clothes worth of Rs. 8 lakh. It is submitted that thereafter for more than one year nothing happened and on one such very occasion i.e. on 09.06.2025, this petitioner after visiting to parental house of the informant alleged to assault informant and demanded Rs. 8 lakh from her father. It is submitted that the FIR in issue was lodged on 03.08.2025 i.e. after about two months of the last occurrence which alleged to be taken place on 09.06.2025. It is submitted that the delay to lodge aforesaid FIR not appears explained by the informant and, moreover, the allegation *qua* committing physical and mental cruelty and also to demand of dowry as alleged appears very much general and omnibus against petitioner and his family members. It is pointed out that the prayer of anticipatory bail of petitioner was rejected by the learned trial court for the simple reason that he is the husband of the informant. Petitioner claimed clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as the allegation to commit mental and



physical cruelty and also of dowry demand *prima facie* appears very much general and omnibus in nature, coupled with the fact that the delay as to lodge the present FIR *prima facie* also not appears explained, 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 Sub-Divisional Judicial Magistrate, Siwan/concerned Court, where the case is pending in connection with Siwan Mahila Thana P.S. Case No. 63 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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