

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33617 of 2026

Arising Out of PS. Case No.-42 Year-2024 Thana- MAHILA P.S. District- Purnia

Md. Shoyebur Rahaman, S/o Md. Saiyad @ Sujat Ali @ Md. Saiyyad Alam,
Resident of Bhamra, P.S.- Kasba, District – Purnea

.. ... Petitioner

Versus

1. The State of Bihar
2. Soriyya, W/o Md. Shoyebur Rahman, D/o Md. Moin Uddin R/o Bishanpur,
P.S.- Dagaura, Distt.- Purnea

... ... Opposite Parties

Appearance :

For the Petitioner/s : Md. Fazle Karim, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Mahila P.S. Case No.42 of 2024 registered under Sections 126, 115(2), 85, 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS'), Sections 3 and 4 of Dowry Prohibition Act and Section 4 of Muslim Women(Protection of Rights on Divorce) Act,2018.

3. Allegation against the petitioner is to commit mental and physical cruelty upon the informant along with



family members/co-accused persons due to non-fulfillment of demand of dowry as raised for cash of Rs.2 lakh, and also alleged that the informant was ousted from her matrimonial home on 24.07.2024, after pronouncing triple talak over telephone. The petitioner also alleged to have illicit relationship/extra-matril affairs with wife of his elder brother.

4. It is submitted by learned counsel appearing for the petitioner that the informant is under habit to lodge this type of false case as prior to lodging this FIR, she lodged a complaint case against this petitioner, which was registered as Complaint Case No.2128 of 2024, regarding the same occurrence. It is further submitted that considering overall merits of the case, the learned trial court granted the anticipatory bail to this petitioner in aforesaid criminal complaint case with a direction that the petitioner will pay Rs.3000/- per month to the informant for her maintenance, what the petitioner is paying regularly. In support of his submissions, learned counsel for the petitioner drawn attention of this court towards Annexure-3 series. Arguing



further, it is submitted that regarding same occurrence filing of the present FIR is not convincing in eyes of law. Explaining criminal antecedent, it is submitted that petitioner is involved in one more criminal case, where he is on bail.

5. Learned APP duly assisted by the learned counsel for the informant, while opposing the prayer of bail could not disputed the submissions that for the same set of occurrence, the complaint was already filed as submitted having all such allegations which appears raised through present FIR. The learned counsel also not disputed the regular payment of maintenance amount, as fixed by learned trial court.

6. In view of aforesaid factual submissions and by taking note of the fact as for the same set of occurrence, already a complaint case was registered by the informant, where the petitioner is on bail, accordingly, the above-named petitioner, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, 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., Purnea in connection with Mahila P.S. Case No.42 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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