

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33767 of 2026

Arising Out of PS. Case No.-24 Year-2026 Thana- BOCHAHAN District- Muzaffarpur

Md. Shamshad Shekh @ Md. Shamshad S/o Mohammad Hakim R/o Village-
Bahrapur, PS- Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-05-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Bochahan P.S. Case No. 24 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 64, 74, 316(2), 318(4), 352, 351(2), 351(3), 3(5) of BNS.

3. As per FIR petitioner alleged to establish physical relationships on several occasions with informant while her husband was abroad. It is also alleged that promise of marriage was also made by this petitioner and on pretext of providing job, the petitioner alleged to cheat Rs. 10,42,000/- from the informant.



4. It is submitted by learned counsel appearing on behalf of the petitioner that prior to lodging the FIR a complaint case was lodged by informant duly supported by affidavit which was registered as Complaint Case no. 5768 of 2025 before the court of learned CJM, Muzaffarpur, which was subsequently withdrawn on 28.11.2025. It is submitted that subsequent to withdrawal of first complaint case, second complaint case was registered bearing Complaint Case No. 6213 of 2025 before the court of learned CJM, Muzaffarpur, whereafter considering the factual aspects and the legal ratio as settled in this context, the petition was dismissed after considering the available merit under Section 226 of BNSS, and thereafter almost with same allegation, the present FIR was lodged. It is submitted that just to make the cause of action an ornamental allegation was raised that informant was chased by the uncle of the petitioner namely, on Sabir Sheikh on 20.12.2025. It is submitted that even if that day was



taken as correct the FIR was lodged on 31.01.2026 i.e., almost after one and half month, which suggest false implication as an afterthought.

5. Arguing further, learned counsel for petitioner submitted that in fact petitioner transferred money on several occasions to the bank account of the informant and when he demanded to return the present false case was lodged. It is submitted that in aforesaid connection money suit bearing no. 07 of 2026 was filed before learned Sub-Judge 1st, Muzaffarpur (East) which is still pending.

6. Learned APP duly assisted by Mr. Dhananjay Kumar learned counsel for the informant while opposing the prayer of bail submitted that allegation is specifically available against this petitioner, however, he fairly conceded that alleged relationship was established while subsisting the first marriage of the informant with her husband.

7. In view of aforesaid factual submission and



by taking note of fact as allegation is *prima-facie* maximum of adultery/ extra marital affair, coupled with the fact that the major part of the dispute suggest civil dispute in nature for which a suit is pending between the parties and moreover, with almost similar allegations the two complaint cases has already been dismissed by competent court as discussed aforesaid, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, 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 ACJM 9th Muzaffarpur East /concerned Court, where the case is pending in connection with Bochahan P.S. Case No. 24 of 2026, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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