IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33574 of 2026

CNR No. BRHC010475512026

Arising Out of PS. Case No.-67 Year-2023 Thana- MAHILA P.S District- West Champaran

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Amjad Ali S/o Late Azazul Mian Resident of Village - Kuneri Tola Chamaniya, Parasa, PS - Manuapul, District - West Champaran

... ... Petitioner/s

Versus

1. The State of Bihar
2. Rubi Nesha W/o Amjad Ali D/o Late Mansoor Mian, Resident of - Kuneri Tola Chamaniya, Parasa, PS - Manuapul, District - West Champaran At present R/o Village - Bhariyani, P.S - Valmiki Nagar, District - West Champaran

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Prithvi Nath Mishra, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

6 18-11-2026 Heard the parties.

2. Despite the service of notice upon the Opposite Party No. 2, there is none to represent her.

3. The petitioner happens to be the husband of the Opposite Party No. 2, apprehending his arrest in connection with Bettiah Mahila P.S. Case No. 67 of 2023, registered for the offenses punishable under Sections 498(A), 354(B), 323, 341, 504, 506, 34 of the I.P.C. and ¾ of Dowry Prohibition Act.

4. Based upon the written report, it is alleged that on account of non-fulfillment of demand, the Opposite Party No. 2 was subjected to torture in various ways and finally she has

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been ousted from the matrimonial home, leading to institution of the present case.

5. Learned Advocate for the petitioner submitted that the very allegation of demand of ₹5,00,000/- appears to be unfounded inasmuch as the petitioner has been working as a labourer and poor person, and in any of the circumstances, the question of demand of ₹5,00,000/- does not arise. Moreover, the petitioner has always been ready to keep the Opposite Party No. 2 as his wife with all dignity and respect, but it is the Opposite Party No. 2 who doesn't want to reside and resume the family obligations due to the reason unknown to the petitioner. It is also contended that be that as it may, the offence as alleged in the FIR is punishable only for three years, and moreover, the petitioner has not even been given the privilege of Section 41(A) of CrPC corresponding to Section 35(3) of BNSS, despite the mandate of the Hon'ble Supreme Court from time to time.

6. On the other hand, learned Advocate for the State vehemently opposed the bail application.

7. Considering the submissions advanced and taking note of the accusation, besides the mandate of the Apex Court in the case of ***Satender Kumar Antil v. CBI, 2026 INSC 115***, let the petitioner above named be released on bail, in the event of

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his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VI, West Champaran at Bettiah in connection with Bettiah Mahila P.S. Case No. 67 of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

8. It is made clear that the release of the petitioner on bail would not come in the way of the learned court below to call upon the parties and make sincere efforts to reconcile the matter between the husband and wife.

(Harish Kumar, J)

Siddharth Kr.
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