

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34983 of 2026

Arising Out of PS. Case No.-47 Year-2023 Thana- MAHILA P.S. District- Bhagalpur

1. Md. Ziya @ Md Jiya Son of Md. Salauddin Resident of village- Jabbarchak, Ashiyana Apartment Block B Flat No. 501, Ps- Tatarpur, Dist- Bhagalpur Resident of C/O Md. Jalaluddi J/5/189/E/3 Bagdipara Road, Badartala, Kolkata, West Bengal
2. Afshan Rehman @ Afsa Rehman @ Hafsa Rehman @ Apsa Rehman Wife of Md. Jiya @ Md Ziya Resident of village- Jabbarchak, Ashiyana Apartment Block B Flat No. 501, Ps- Tatarpur, Dist- Bhagalpur Resident of C/O Md. Jalaluddi J/5/189/E/3 Bagdipara Road, Badartala, Kolkata, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 21-07-2026 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application for anticipatory bail arises out of Bhagalpur Mahila P.S. Case No. 47 of 2023 for the offences punishable under Sections 376, 506/34 of the I.P.C., but later on Sections 3 and 4 of D.P. Act were added.

3. As per the prosecution case, it has been alleged that the informant was sexually exploited by co-accused Amir Ushmani on the promise of marriage and these petitioners who happen to be brother-in-law and sister-in-law of co-accused



Amir Ushmani, are alleged to have demanded Rs. 7 Lakhs as dowry, else the marriage would not happen.

4. Learned counsel for the petitioners has submitted that the main allegation of establishing physical relationship upon the informant is against the co-accused Amir Ushmani on false pretext of marriage. It has further been submitted that offence under Section 376 I.P.C. is not made out against the petitioners. It has further been submitted that the F.I.R. has not been registered under the provisions of Dowry Prohibition Act, but subsequently, Section 3 and 4 of the Dowry Prohibition Act were added and the same are bailable in nature. It has further been submitted that there is no allegation that the petitioners in any way forced the informant to have physical relationship with the co-accused Amir Ushmani. It has further been submitted that the relationship with co-accused Amir Ushmani and the victim informant was consensual in nature when both were majors on the alleged date of occurrence. It has lastly been submitted that the petitioners have got no criminal antecedent.

5. Learned counsel for the State opposed the prayer of anticipatory bail of the petitioners.

6. Heard the parties and perused the record. Considering the facts and circumstances, let the petitioners



above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IX, Bhagalpur in connection with Bhagalpur Mahila P.S. Case No. 47 of 2023, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Praveen Kumar, J)

Abdus/-

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