

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35135 of 2025

Arising Out of PS. Case No.-1486 Year-2024 Thana- GAYA COMPLAINT CASE District-
Gaya

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Ahmad Ali @ Sonu S/o Late Nabi Hussain R/o Mohalla- Mangla Gauri,
Vetarni Talab, P.S.- Vishnupad, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabnam Perween W/o Md. Sonu @ Ahmad Ali, D/o Salim Rangasaz R/o
Mohalla- Mangla Gauri, Vetarni Talab, P.S.- Vishnupad, Distt.- Gaya At
present address Bichli Masjid, Gewal Bigha, P.S.- Rampur, Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Aryan Singh, Adv
For the Opposite Party/s	:	Mr.Pranav Kumar, APP
For the O.P. No. 2	:	Mr. Vyas Kr. Mishra, Adv

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 05-01-2026 Heard the parties.

2.The accused/petitioner is named in the F.I.R. and
apprehending his arrest in connection with Complaint Case No.
1486 of 2024 registered for the offences punishable under
Sections 85, 82(i), 115(2), 118(i), 303(2), 305, 352, 351(2) and
315 of the BNS and Section 4 of the D.P. Act.

3. As per complaint petition the cruelty was alleged to
be committed upon O.P. No. 2 by petitioner and his family
members due to non-fulfillment of dowry.

4. It is submitted by learned counsel appearing on
behalf of the petitioner that the present complaint was filed on
04.10.2024 with delay of about 15 days without explaining



reasons and also the complaint suggest that petitioner left her matrimonial home on her own on 20.09.2024 in early morning. It is pointed out that allegation of physical assault was only raised to aggravate the allegation without specifying any date. It is pointed out that in complaint petition date of marriage is nowhere mentioned whereas upon court question only, it was stated by complainant that her marriage was solemnized with petitioner on 25.12.2015. Arguing further, it is submitted that as petitioner solemnized second marriage during subsisting of his first marriage with complainant as per his personal law, the present complaint case was filed with false allegation of cruelty and demand of dowry. It is submitted that even the allegation of demand of dowry is available against all family members including in-laws and petitioner. While concluding arguments, it is submitted that no injury report in support of allegation that complainant was brutally assaulted by petitioner and his family members appears available on record, which further creates doubt *qua* allegations.

5. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that petitioner being husband demanded dowry of Rs. 5 lakhs and during subsisting his marriage with complainant he solemnized marriage with one Seema Khatoon @ Kumkum daughter of Md.



Majid, however, he conceded that parties are Muslims and same is permitted as per their personal law.

6. In view of aforesaid factual submission and by taking note of fact as primarily present criminal complaint appears to be lodged for the reason that petitioner solemnized second marriage in terms of his personal law and allegation of brutal assault also appears doubtful in want of injury report, accordingly the provisional bail as granted to the appellant by learned Co-ordinate Bench of this Court vide order dated 04.06.2025 is hereby confirmed, with same bailors and bond.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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