IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35011 of 2025

Arising Out of PS. Case No.-4 Year-2023 Thana- BARSOI District- Katihar

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Mohammad Azam @ Azad @ Md. Azad S/o- Late Mantu Village- Govindpur Ps- Barsoi Dist- Katihar

... ... Petitioner/s

Versus

1. The State of Bihar
2. Maseda Khatoon D/o- Md. Samad R/o- Naya Tola Ps- Abadpur Dist- Katihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP
For the Informant : Mr. Sanjeev Kr. Singh, Adv.
Mr. F.T. Akhtar, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

5 05-01-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Barsoi P.S. Case No. 04 of 2023 registered for the offences punishable under Sections 341, 323, 498A, 506, 34 of the IPC and Section ¾ of D.P. Act.

3. The allegation against petitioner is to commit cruelty upon O.P. No. 2/ informant due to non-fulfillment of demand of dowry as raised for cash of Rs. 5 lakh alongwith family members who are also named accused persons.

4. It is submitted by learned counsel appearing on

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behalf of the petitioner that with delay of about 6 months the present FIR was lodged on 05.01.2023 whereas the last occurrence as alleged in terms of FIR is of 02.07.2022. It is submitted that even upon perusal of FIR, it appears that the allegation *qua* demand of dowry is appearing very much general and omnibus against this petitioner. It is pointed out that the false implications can be gathered safely from FIR, that despite of allegation that informant was badly assaulted by petitioner and his family members causing severe and serious injury no injury report was made available on record. While concluding arguments, it is submitted that above named petitioner is a man of clean antecedent.

5. Learned APP duly assisted by Ms. Madiha Hashmi learned counsel for the informant/ O.P. No. 2 while opposing the prayer of bail submitted that the allegation is specifically available against petitioner being husband and he is not even following the order of family court *qua* maintenance and therefore the informant and son born of present wedlock are forced to live in destitution.

6. Taking note of aforesaid submission, it is resubmitted by learned counsel for the petitioner that he is not

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aware about any such order passed by learned Principal Judge, Family court as submit by learned counsel for the informant, however, if it is so, it can be raised before appropriate forum for its compliance.

7. Considering the aforesaid submissions and by taking note of fact as FIR, in issue, appears lodged with delay of 6 months with general and omnibus allegation *qua* raising demand of dowry 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 SDJM, Katihar /concerned Court, where the case is pending in connection with Barsoi P.S. Case No. 04 of 2023, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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