

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51360 of 2024**

Arising Out of PS. Case No.-409 Year-2021 Thana- MASHRAK District- Saran

Shakil Khan @ Sakila Khan S/o Anwar Khan Village- Arna (Muslim tola),  
P.S. - Mashrakh, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nashima Khatoon D/o Mafiz Khan R/o vill - Sonauli, P.S. - Mashrakh, Distt - Saran at Chapra

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jeetendra Narayan

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      02-02-2026                      Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Mashrakh P.S. Case No. 409 of 2021 registered for the offences punishable under Sections 498A of IPC alongwith Secion  $\frac{3}{4}$  of D.P. Act.

3. The allegation against petitioner is commit mental and physical cruelty upon informant/ O.P. No. 2 due to non-fulfillment of demand of dowry as raised for one motorcycle.

4. It is submitted by learned counsel appearing



on behalf of the petitioner that both parties are Muslim and as per their personal law they dissolved their marriage. In support of submission learned counsel drawn attention of this Court towards Annexure-3 of the present bail petition which suggest *prima-facie* that parties dissolved their marriage as per their personal law. It is submitted that even the allegation of committing mental and physical cruelty appears very much general and omnibus against this petitioner.

5 Learned APP opposes the prayer of bail.

6. As per office report dated 21.01.2026, notice as issued by this Court to O.P. No. 2 was served validly but despite of same she failed to join present pending proceedings.

7. In view of aforesaid factual submission and by taking note of fact as *prima-facie* parties settle their disputes, where mental and physical cruelty as alleged appears very much general and omnibus in nature, 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 JM 1<sup>st</sup> Class, Saran at Chapra /concerned Court, where the case is pending in connection with Mashrakh P.S. Case No. 409 of 2021, subject to the conditions as laid down under Section 482(2) of BNSS.

**(Chandra Shekhar Jha, J)**

Sudha/-

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