

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55124 of 2025

Arising Out of PS. Case No.-360 Year-2022 Thana- KHIJARSARAI District- Gaya

Diljan Khan S/O Hasin Khan R/O Village- Saidih, P.S.- Khizarsarai, Distt.-
Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Najiya Pravin D/o Safik Ahmad R/o Vill Mandai P.S. Khijarsarai Distt Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kunwar Narayan Jamuar, Advocate
For the State	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Sheikh Arkan Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 06-02-2026

Heard the parties.

2. The petitioner is in custody in connection with Khizarsarai P.S. Case No. 360 of 2022. for the offence punishable under sections 341, 323, 354(b)(c)(d), 504, 506, 509, 498(A) and 34 of the Indian Penal Code and section 67 and 67(A) of the I.T. Act, lodged on 02.10.2022 by the informant, Naziya Praveen.

3. As per the prosecution story, the lady alleged that she got married to this petitioner in the year 2019 but was tortured for dowry. The further allegation is that on the point of knife, she was made to strip, video created and later it was made viral. The last allegation is that when she was pregnant, purposely assault was made in the stomach, causing abortion.



Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he has already suffered by being in custody since 03.12.2024 and if granted relief, not only shall be diligently appearing in trial, will not in any way threaten either the informant lady and/or her family members and if he fails to abide by the said undertaking, the informant shall be free to take steps for cancellation of the bail bond.

5. Learned counsel for the informant on the other hand has pointed out that after granting interim relief to the petitioner on 04.08.2023, he remained outside but despite the interim relief having been withdrawn, he chose not to surrender in next number of months. He further always threatens the family members whenever visit the court.

6. Learned APP echoes the submission of the learned counsel representing the informant and submits that the petitioner is not a normal husband but behaves like criminal.

7. The grave allegation is there, the petitioner has not acted as a husband of the lady, however, the fact remains that he has remained in custody for long, the aforesaid undertaking has been given that he shall not be threatening the family members and/or the informant and shall be diligently appearing in trial,



considering the aforesaid facts, this Court is inclined to extend him the privilege of bail.

8. It is however made clear that if the petitioner in anyway threatens the lady/family members or tried to intimidate them, the informant shall be free to take steps for cancellation of bail bond.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned District & Additional Sessions Judge-X, Gaya, in connection with Khizarsarai P.S. Case No. 360 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for six months to mark his



attendance and at the end of the period a certificate be submitted before the Trial Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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