

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61779 of 2024

Arising Out of PS. Case No.-197 Year-2019 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Ashique Alam Dokhtar Saffi Ahmad @ Ashique Alam, Son of Late Asgar Ali
@ Asgar Alam, R/o Islampur Budhnagar Garh Mohalla, Ps- Islampur, Dist-
Nalanda. Petitioner/s

Versus

1. The State of Bihar.
2. Roushan Aara Wife of Ashique Alam Dokhtar Saffi Ahmad @ Ashique
Alam, R/o- Bhikhanpur Dhebai, Po- Injor, Ps- Mehendiya, Dist- Arwal.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 03-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the complaint, is apprehending his arrest in connection with Complaint Case No. 197 of 2019 registered for the offences punishable under Sections 341, 323, 307, 379, 498A of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. The allegation against the petitioner is to commit mental and physical cruelty upon the complainant alongwith other co-accused persons/family members due to non-fulfillment of adequate dowry and also threatened to commit second marriage.

4. Learned counsel appearing on behalf of the petitioner submitted that merely on the basis of suspicion, as petitioner



would solemnize his second marriage, the present false case was lodged. It is submitted that the complaint was not even supported by affidavit and, therefore, allegation should not be accepted as correct view of legal report as available through **Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]**.

It is submitted that the last occurrence as alleged through present complaint is of 14.06.2019, whereas the present complaint was filed on 09.07.2019 without any cogent explanation. It is submitted that allegation as raised through complaint petition *qua* mental and physical cruelty is also appearing very much general and omnibus in nature against the petitioner. Petitioner claimed clean antecedent.

5. Learned A.P.P. opposed the prayer of anticipatory bail.

6. On repeated calls, none appeared on behalf of the complainant to join the present proceeding.

7. In view of aforesaid factual submission and by taking note of the fact as complaint not appears supported through affidavit coupled with the fact that petitioner facing general and omnibus allegation *qua* alleged mental and physical cruelty accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of



Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Jehanabad/concerned court in connection with Complaint Case No. 197 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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