

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78439 of 2025

Arising Out of PS. Case No.-2053 Year-2022 Thana- COMPLAINT CASE District- Araria

Md. Meraj @ Mehraj Md. Ehnoon @ Aenul Haque R/o Village- Kamalpur,
Ward No. 09, P.S.- Jalalgarh, District- Purnia (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bi Shabnam D/o Mohsin, Wife of Md. Mehraj @ Meraj Presently residing at Kasaila, P.S.- Madanpur, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha

For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-02-2026 Heard the parties.

2. The petitioner is named in the complaint case and apprehending his arrest in connection with complaint Case No. 2053 of 2022 registered for the offences punishable under Sections 498A, 147, 148, 149, 323, 379, 384, 34 of IPC and $\frac{3}{4}$ DP Act.

3. As per complaint, petitioner alleged to commit mental and physical cruelty upon complainant/ OP No. 2 due to non fulfillment of demand of dowry as raised for cash of Rs. 1,50,000/-.

4. It is submitted by learned counsel appearing on



behalf of the petitioner that allegation as per complaint cannot be accepted true in view of legal ratio as available through ***Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]***, for the reason that the complaint, in issue, is not supported by affidavit. It is submitted that allegations as raised through complaint petition appears very much general and omnibus in nature *qua* petitioner. While concluding argument, it is submitted that petitioner claimed clean antecedent.

5. Learned APP duly assisted by learned counsel for the complainant/ OP No. 2 while opposing the prayer of bail submitted that petitioner is evading the process of court of law and he is intentionally not appearing before the court. It is submitted that due to said conduct of petitioner the process under section 82 of Cr.P.C. has already initiated, and therefore, this petition is not maintainable. It is also submitted that petitioner solemnized his second marriage subsisting marriage with complainant/ OP No. 2.

6. Taking contrary to the aforesaid submission, learned counsel for the petitioner submitted that the dispute



is primarily civil in nature and as different process starting from summons as issued by the court as to secure the presence of the petitioner was not served upon him, for said reason only the petitioner could not appear before the Court. It is submitted further that petitioner solemnized his second marriage out of his personal law and further undertake to appear before the Ld. family court in maintenance proceedings and if complainant is willing to continue her matrimonial life with this petitioner, he is ready to keep her with all love and dignity.

7. In this context it is further submitted by learned counsel for the petitioner that there is no absolute bar as to entertain anticipatory bail petition in interest of justice even after issuing of process of Section 82 of Cr.P.C., In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Asha Dubey vs. State of Madhya Pradesh*** reported in ***2024 SCC OnLine SC 5633***

8. In view of aforesaid factual and legal submission and by taking note of fact as allegations *qua* committing



physical and mental cruelty is appearing very much general and omnibus in nature *qua* petitioner, 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 1st Class, Araria /concerned Court, where the case is pending in connection with complaint Case No. 2053 of 2022, subject to the conditions as laid down under Section 482(2) of BNSS.

9. Learned trial court is directed to take appropriate steps to reconcile the matter between the parties upon appearance of petitioner.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

