

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82879 of 2025

Arising Out of PS. Case No.-2114 Year-2024 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Shakil Akhtar Son of Ajejul @ Ajejul Rahaman Resident of village - Hasan
Dumaria, P.S.- Kochadhaman, District- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ansari Begum Wife of Sakil Akhtar Resident of village - Hasan Dumaria,
P.S.- Kochadhaman, District- Kishanganj At Present Resident of village-
Fulwari, Ps- Routa, Dist- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Amal Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Bharat Lal, APP
For the Informant	:	Mr.Mohammad Tahmeed Helal, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 07-04-2026 Heard Mr. Amal Kumar Sinha, learned counsel

appearing on behalf of the petitioner; Mr. Bharat Lal, learned

APP for the State and Mr. Mohammad Tahmeed Helal, learned

counsel appearing on behalf of the Informant.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 2114/2024 registered for the
offence(s) punishable under Sections 498A,406,420,120B of the
Indian Penal Code and Sections 3,4 of Dowry Prohibition Act.

3. As per the allegation made in the FIR, the
complainant, after her marriage with the petitioner, was
allegedly subjected to mental and physical cruelty on account of



dowry demands, and despite partial fulfillment of such demands by her family, she was ultimately ousted from her matrimonial home.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has been falsely implicated in the present case. The petitioner, being the legally wedded husband of the complainant, has been falsely implicated in the present case and no specific allegation of cruelty or demand of dowry has been made and only general and omnibus allegations have been levelled against him. The mediation between the parties has failed. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the informant vehemently opposed the prayer for grant of pre-arrest bail and submitted that the petitioner has subjected her to physical and mental cruelty due to non-fulfillment of demand of dowry. He further submitted that even under Muslim law, though the husband may have the right to divorce, he cannot subject his wife to cruelty or forcibly drive her out of her matrimonial home.

6. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail.

7. Considering the nature of allegation made in the complaint and also the fact that the parties have remedy before the competent family court for redressal of their dispute, as both have agreed not to live with each other, I don't find any reason not to grant pre-arrest bail to the petitioner and, as such, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Court where the case is pending in connection with Complaint Case No. 2114/2024, subject to the conditions as laid down under Section 482 of BNSS/ 438(2) of the Cr.P.C.

8. It is made clear that the petitioner must not refrain in any manner to settle the dispute before the learned District Court.

9. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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