

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3909 of 2025

Arising Out of PS. Case No.-494 Year-2024 Thana- GARKHA District- Saran

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Faiyaz Alam Son of Moinuddin @ Moin Ahmad Resident of Village - Pohiya,
P.S. - Garkha, District - Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rukhsana Praveen Wife of Faiyaz Alam, Daughter of Imamuddin Resident of Village - Dakhan Purab Tola, P.S. - Isuapur, District - Saran at Chapra

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Dewendra Narayan Singh
For the Opposite Party/s	:	Mr.Dinesh Singh
		Mr. Rananjay Kumar, Advocate
		Mr. Sunit Kumar, Advocate
		Mr. Arif Daula Siddiquie, Advocate
		Mr. Aoumaan Ahmad, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 11-02-2026 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Garkha P.S. Case No. 494 of 2024 dated 07.08.2024 registered for the offence punishable under Sections 126(2), 115(2), 85, 352, 3(5) of the B.N.S. and Section 3/4 of the D.P. Act.

3. The prosecution case in short is that the marriage of the informant was solemnized with the petitioner according to Muslim rites and rituals on 02.06.2021. It is alleged that after 02-04 days of the marriage the accused persons including the husband started demanding dowry of Rs. 2,00,000/- and one Scorpio vehicle and due to non fulfillment of the demand, the



accused persons subjected the informant to mental and physical torture and lastly the informant was ousted from her matrimonial home.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has not committed any offence in the manner alleged and has falsely been implicated in this case. He further submits that neither any dowry demand has been made from the informant by the petitioner or any of his family members nor the informant has been subjected to any type of assault or torture at any point of time. He next submits that the fact of the matter is that neither the informant is capable of giving birth to a child nor she is having any behaviour or physical appearance like a lady and concealing all these facts and the actual gender of the informant the parents of the informant have got performed her marriage with the petitioner. However, without prejudice to the right and contention of the petitioner and in order to maintain harmony in the family, the petitioner undertakes to pay a sum of Rs. 3,000/- per month to the Opposite Party No. 2 as “living cost” subject to final outcome of the present case as well as matrimonial case and / or maintenance case filed and decided between the parties.

5. Learned counsel for the informant / Opposite Party No. 2



submits that petitioner has performed second marriage and is living with his second wife and the informant / Opposite Party No. 2 is at the verge of starvation. However, he accepts the offer so made by learned counsel for the petitioner and submits that the petitioner may be directed to deposit the said amount of Rs. 3,000/- per month in the bank account of the informant / Opposite Party No. 2, details of which shall be furnished by learned counsel for the Opposite Party No. 2 to learned counsel for the petitioner within ten days from today.

6. After having heard learned counsel for the parties and taking into consideration the materials on record and the fact that offer made by learned counsel for the petitioner has been accepted by learned counsel for the Opposite Party No. 2, as such, I am inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his arrest / surrender before the learned court below within a period of six weeks from today be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Saran at Chapra in connection with Garkha P.S. Case No. 494 of 2024 subject to the condition as



laid down under Section 482(2) of the B.N.S.S. as well as the following condition:-

(i) that the petitioner shall deposit a sum of Rs. 3,000/- per month in the bank account of the Opposite Party No. 2 positively by the 7th day of every month starting from the month of March, 2026.

(Anil Kumar Sinha, J)

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